

Security Sector Development in Post-Conflict

Kosovo

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Abstract

The security institutions and policies in Kosovo have been controlled and shaped by the international actors since the end of the Kosovo war. Due to the large amount of actors with differing objectives, as well as the problematic relationship with Serbia and the unresolved status of Kosovo, the security sector has suffered from the lack of systematic institutional development.

This thesis looks into the transformation of Kosovo's security sector in the post-conflict period from 1999 through early 2015. The central focus of the study is on how the international community first took over the ownership and management of the security institutions and how it was later gradually transferred to the local community. The objective here is to point out the potential pitfalls and structural inefficiencies of the policies that have steered the security sector's development process.

The analytical part of this thesis consists of three sections, which all mark a certain period of time. During the first phase (1999-2005) the first Kosovo security institutions, including the Kosovo Police, were established. The demilitarization efforts of the KLA, and their implications, will be dealt with as well. The second phase (2005-2008) looks into the initial handover of the responsibilities from the international community to the Kosovo Government and the third phase (2008-2013) concentrates on the new security sector architecture introduced following Kosovo's declaration of independence.

The observations made suggest that the international community has failed in providing sufficient support for the local community to develop transferable skills in security management. On one hand the international community has managed to stabilize the situation quickly by taking over all institutions, but on the other, this has crippled the Kosovars as they are not prepared to run them on their own. The recent Security Sector Review paves the way for a presentable transformation, but it is clear that the Kosovars are no longer willing to let the international community dictate how the security sector is structured, managed and resourced.

Neutral point of view or Serbian spelling will be used for all proper nouns.

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Acronyms

AAK Alliance for the Future of Kosovo

CIVPOL International Civilian Police Programme

COMKFOR Commander KFOR

CSP Comprehensive Proposal for the Kosovo Status Settlement or “the Ahtisaari Plan”

DDR Disarmament, Demobilization and Re-integration

DSRSG Deputy Special Representative Of the Secretary General

EU European Union

EUP European Union Planning Team

EUSR European Union Special Representative

FARK The Armed Forces of the Republic of Kosovo (Albanian: Forcat e Armatosura të Republikës së Kosovës)

ICO International Civilian Office

ICR International Civilian Representative for Kosovo

IICK Independent International Commission on Kosovo

ISG International Steering Group for Kosovo

ISSR Internal Security Sector Review

KFOR Kosovo Force

KSF Kosovo Security Force

KIPRED Kosovar Institute for Policy Research and Development

KLA Kosovo Liberation Army

KPC Kosovo Protection Corps

KPS Kosovo Police Service

KPSS Kosovo Police Service School

KSIP Kosovo Standards Implementation Plan

LDK Democratic League of Kosovo

LPK The Popular Movement of Kosovo / People's Movement of Kosovo

NGO Non-governmental organisation

NATO North Atlantic Treaty Organisation

OSCE Organisation for Security and Cooperation in Europe

PDK Democratic Party of Kosovo

PISG Provisional Institutions of Self-Government (Kosovo)

PSC Private security company

SRSG Special Representative of the Secretary General

SSDAT Security Sector Development Advisory Team

SSR Security Sector Review

SSSR Strategic Security Sector Review

UNDP United Nations Development Programme

UNMIK United Nations Interim Administration Mission in Kosovo

UNMIK-P UNMIK Police

JIC Joint Implementation Commission

JIC Joint Implementation Commission

1 Introduction

This thesis intends to identify and evaluate the role of the international and local actors in constructing a functional security sector in post-conflict Kosovo. The main focus will be on the institutions responsible for the national security and defense, including international missions and presence. The demilitarization of the Kosovo Liberation Army will be considered as a significant element in this process.

The analytical part of this thesis consists of three sections, which all mark a certain period of time. The first section deals with the first six years since the end of the conflict, from 1999 until 2005. The demilitarization efforts and their implications will be looked into in more detail. The second part concentrates on the period from 2005 until 2008 when the first institutions were established. The last part then evaluates the most current developments, in particular the Security Sector Review published in March 2014, starting from 2008 when the Ahtisaari plan was implemented.

Following the NATO bombings Kosovo's economy and political institutions were in a state of total collapse. The Military Technical Agreement between NATO's Kosovo Force (KFOR) and Governments of the Federal Republic of Yugoslavia and the Republic of Serbia was signed on the 9th of June 1999, finally concluding the Kosovo war. On the 10th of June, the United Nations Security Council passed Resolution 1244 which provided the legal framework for establishing the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR.

Kosovo has been under this international administration from 1999 until 2008, with some of its functions still running today, and some take over by European Union Rule of Law Mission (EULEX). UNMIK consisted of a comprehensive set of international institutions and organizations designed to provide orchestrated efforts in post-war reconstruction and institution-building. KFOR's membership of almost 50,000 men and women was set up to ensure safety in the territory.¹ One of its first tasks was to oversee the process of demilitarization and transformation of the Kosovo Liberation Army.

NATO's intervention was followed by a widespread 'reverse ethnic cleansing' targeting the Serb population. This was described by the then chief prosecutor for the International Criminal Tribunal for the former Yugoslavia, Carla Del Ponte, as being 'as serious as what happened there before

¹ Bekaj, A. 2010, p. 27

NATO's intervention.² Some of the major concerns for the KFOR and the international community were how to end the violence, how the military could protect the now endangered minorities and Albanian moderates and could the KLA be marginalized without generating a backlash that could threaten the internal stability of the region.³

In Kosovo NATO was faced with a completely new situation and a number of policy issues. The organization was established during the Cold War to defend Western Europe and the North Atlantic, but it performed its first actual act of war by aggressively intervening in a conflict outside its territory and, moreover, without a UN mandate. Although NATO argued that it was forced to act in order to prevent a humanitarian catastrophe, it violated an important international political taboo; the prohibition of intervention.

NATO's problem was ultimately the implementation of the Kosovo peace plan, which was outlined in the UNSC document S/1999/649.⁴ Although Kosovo's administration was taken over by the UN, NATO as the initiator of the intervention had to take military responsibility in Kosovo and the Balkans in general. NATO also had to prove that the scale of the crimes justified the airstrikes against Serbian forces and infrastructure.

It was clear from the beginning that NATO's quest for peace would be long and difficult. Since NATO now exercised authority over the territory that KLA, who perceived themselves as the victors of war, considered theirs, NATO was soon labeled by the local population as one of the obstacles standing in the way of Kosovo's independence. It was equally difficult was to predict how Russia, China and some other countries would react to NATO's way of interpreting the international law however they liked.

The development of security sector Kosovo differs slightly from the other Western Balkans countries, as most of the institutions were built from scratch with the support of the international community. There was no institutional correlation between former Yugoslav security structures and post-conflict security institutions in Kosovo.⁵ Some of the key issues faced by the international community in this process are the following;

² Hehir, A. 2010, p. 9

³ O'Neill, W. 2002, p. 17

⁴ United Nations Security Council Document S/1999/649

⁵ Muja, A. 2013, p. 16, Blease, D. Qehaja, F. 2013, p. 7

1) The legacy of the Kosovo Liberation Army (KLA). Many of the former KLA combatants are now influential figures in politics and despite the reintegration efforts, most the former soldiers have not returned to civilian life. Many have served in the ever-changing emergency response forces, now Kosovo Security Force, and the Kosovo Police.

2) Inter-ethnic relations between the Albanian and minority communities. The international community has been particularly vehement in demanding the Kosovo government to advance the rights and integration of both the Serbian and the RAE -communities in the society. However, the efforts to recruit Serbs in the Kosovo Police have not been successful as minority representation is not sufficient despite the quotas enforced.

3) Socio-economic challenges. The Kosovar society is currently facing multiple issues, including unemployment, corruption and heavy reliance on remittances, which have different levels of security implications.

The security sector development itself can be divided roughly into three phases; during the first phase (1999-2005) the first Kosovo security institutions, including the Kosovo Police, were established. The second phase (2005-2008) looks into the initial handover of the responsibilities from the international community to the Kosovo Government and the third phase (2008-2013) concentrates on the new completed security sector architecture introduced following Kosovo's declaration of independence.⁶ The UNSC Resolution 1244 and the Rambouillet Agreement were used as a legal basis for the gradual transformation of the security sector, and the political climate was perceived stable enough to justify an increase in the local ownership over time.⁷

⁶ Blease, D. Qehaja, F. 2013, p. 7

⁷ Muja, A. 2013, p. 16

2 Methodology, theory and concepts

I have chosen to approach my topic as a case study. This thesis examines the post-conflict security sector reconstruction efforts and challenges, as well as destabilizing factors and security threats in Kosovo. The causes of conflict and especially the factors that might contribute to the re-escalation of conflict will be also dealt with. The past conflict will be analyzed to some extent as it is expected that similar causes for the initial conflict and the potential escalation of violence may be found.

In order to more systematically evaluate the international actors' involvement in the reconstruction process and rebuilding of the security sector, different missions and programs will be analyzed according to four criteria defined by David Law as the following;

1. Legitimacy and credibility. Were the internationals seen as having a legitimate right to enter the country, use force and pursue their agenda for change in the security sector? Were they seen to be politically and materially capable of carrying out their mission?
2. Strategy. Did they have a strategic plan to guide their efforts?
3. Leadership and organization. Did they have the necessary leadership structures and organizational approaches to support the implementation of their strategy?
4. Resources. Were they prepared to invest sufficient manpower and money into their programs?⁸

The data

Typical qualitative case study data sources consist of different interviews, media sources, statistics, observation and participant observation, as well as various documents, such as brochures, minutes of meetings, notes, diaries and so on. I have utilized many of the abovementioned types of data as the primary material for this thesis, with the most important documents being different legal documents, government publications and binding agreements. Due to a large amount of existing research literature, there is also a significant amount of references to secondary data as well.

⁸ Law. 2006, p. 6

In addition to qualitative data, I have chosen to analyze some quantitative material such as different statistics, figures on government spending and external funding. I am also using a few surveys carried out previously and then analyze the results with methods suitable for this thesis and its purpose. This large set of tools case studies provide helps me connect different types of material and methods of analysis and discover new unprecedented phenomena and information.

The case and the question

The cases are studied in a chronological order, with certain periods of time grouped together. Each case deals with a certain change in the security sector architecture that has produced a reform of a consisting institution or the establishment of a new one. The main research question - what are the major challenges in transferring responsibility from the international community to the local actors? - focuses on the overall developments in the security sector, while the subsidiary question - how successful was the demilitarization of the **KLA** in guaranteeing that the local security sector institutions are not controlled by the former combatants? - considers the influence and demands of particular local actors in the security sector.

When studying several cases special attention should be given to the balance and diversity of the chosen cases. Case studies don't follow the logic of statistical modeling, which is based on the qualities of the cases (e.g. age, location, size). Different factors influence the case selection, such can the case even be examined, is it possible to get access to the data, are the potential interviewees willing to answer the questions, how to gather background material, can you publish inflammable results and so on.⁹

The available resources and the access to the case must often also be taken into consideration. The researcher might want to specify the cases before beginning to gather the data, during it, or after the first round of analysis. Cases can thus be specified during the research process. This can be done either by drawing on theory and previous research or by observing the subject-specific, unique and interesting special characteristics that might not have been studied previously.

Many peace researchers need to take ethical considerations into account when designing their study. During my internship in Kosovo I was able to talk to several locals who criticized foreign researchers and development cooperation project workers for simply 'using' them for gathering material for their

⁹ Alexander L. George and Andrew Bennett 2005, p. 240

projects while the research itself gave very little to the actual people who participated in it. Kathrine Höglund also refers to this phenomenon known as ‘research fatigue’.¹⁰ I’m hoping to avoid this by mainly utilizing material where the individual participants have already given their consent for publishing. Given my subject, however, most of them have been interviewed anonymous and only some attributes have been recorded (i.e. age, status, ethnicity).

Peace research and peace-building in the context of the study

Early peace research mainly concerned itself with the prevention of another world war, whereas modern peace research tends to focus on the dynamics civil war. More attention is now also given to the forms of indirect violence or structural violence, as it often occurs in situations of repression, occupation, colonialism and deterrence.¹¹ Höglund and Öberg note that peace research has especially come to deal with organized violence in societal conflicts.¹²

Although the Kosovo war was not categorically a civil war, nor would a conflict with Serbia be one now, you could also say it is a matter of perception. Someone who holds that Kosovo is a part of Serbia might regard Kosovo as a secessionist region initiating civil war. For that reason I will utilize theories and concepts associated mainly with civil war research. According to Höglund, the causes of war research share a fairly similar approach to peace research: “violence is the central issue; stringent hypotheses are developed and empirically tested, with the hope that this increased understanding will result in useful proposals on how to prevent wars from erupting.”¹³

This study also has a strong conflict transformation perspective. In order to achieve peace, we should not look at how to go back to how things were before the conflict, but transform the conditions so that the likelihood of renewed conflict is minimal. According to Collier, there is a 44 percent risk of recurrence of conflict in countries that host large political or ethnic groups and have recently come out of a civil war.¹⁴ Building on Collier’s theory, my plan is to identify which factors can shield Kosovo against a renewed conflict.

According to Schnabel and Ehrhart, external militaries help facilitate the political, economic, and social transformation of the society. The troops’ active role in reconstruction and the sheer presence

¹⁰ Höglund, K., Öberg, M. 2011, p. 123

¹¹ *ibid*, p. 16

¹² *ibid*, p. 15

¹³ *ibid*, p. 19

¹⁴ Collier et al. 2003, p. 83

of military forces might discourage the return to violence. It is equally important for the local militaries to continue to work on security related tasks on the ground once external forces return home. Inadequate security sector reform may contribute to repeated cycle of violence, corruption, and insecurity. Therefore effective peace-building requires a thorough reform of the society's security sector – a process that requires the formulating or re-orienting the policies, structures, and capacities of institutions and groups engaged in the security sector, as well as active involvement of military, economic, and political actors.¹⁵

A security sector includes “all those organizations that have the authority to use, or order the use of, force or threat of force, to protect the state and its citizens, as well as those civil structures that are responsible for their management and oversight”. This consists of military and paramilitary forces; intelligence services; police forces, border guards, and custom services; judicial and penal systems and respective civil structures that are responsible for their management and oversight.¹⁶

Should the government of Kosovo decide to make a large military investment, they might end up entering the arms race which is a typical example of a vicious cycle. Further investment in the military could send the wrong signal to neighboring countries and international actors. As a country acquires arms, supposedly to increase its own security, it may be seen as a threat by its adversaries, who then see it necessary to increase their arms, producing the so-called ‘security dilemma’.¹⁷ This may lead to a vicious cycle of arms race between the two countries, which can be broken with a purely defensive military posture.¹⁸ Armament decisions, however, do not always necessarily follow military logic; partly it also has to do with the role of the state.¹⁹

Security sector review

A security sector review (SSR) can be conducted in peaceful societies, but post-conflict environments pose their own challenges. David Law, for example, differentiates between situations where the security sector has to be reconstructed and those where it has to be built from scratch, such as in Kosovo. Whereas in peaceful environments the focus is on institutional reform, in post-conflict

¹⁵ Schnabel, A. & Ehrhart, H. 2005, p. 6

¹⁶ *ibid*

¹⁷ Jervis, 1976, quoted in Webel, C. & Galtung, J. 2007, p. 191

¹⁸ Webel, C. & Galtung, J. 2007, p. 191

¹⁹ *ibid*, p. 21

settings notably if violence is still high, the primary concern is security and actual reform can only be conducted in more peaceful areas.²⁰

The focus on security, and the lead role that is given to the military, often results in the military reform taking undesirable precedence over police, judicial, penal, legislative and institutional reform in the long run. An overly military approach in providing law and order in detriment to communal policing tends to alienate the population and delegitimize the emerging security forces. Also, efficiency of the security forces has often been favored over accountability.²¹

The OECD DAC Guidelines on Security System and Governance Reform define the broader security system, “which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework”²² as consisting of the following key elements:

“Core security actors: armed forces; police; gendarmeries; paramilitary forces; presidential guards; intelligence and security services (both military and civilian); coastguards; customs authorities; and reserve or local security units (civil defense forces, national guards, militias).

Security management and oversight bodies: the executive; national security advisory bodies; legislature and legislative select committees; ministries of defense, internal affairs, and foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit and planning units); and civil society organizations (civilian review boards and public complaints commissions).

Justice and law enforcement institutions: judiciary; justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; and customary and traditional justice systems. Non-statutory security forces with whom donors rarely engage: liberation armies; guerilla armies; private bodyguard units; private security companies; and political party militias”.²³

In post-conflict situations cooperation between internal and external actors must be mutually reinforcing. Ideally, there should be an integrated approach to development, the strengthening of structures that allow for the peaceful resolution of disputes, and the prevention of violent conflict.

²⁰ Law, D. 2006, p. 1

²¹ Wulf, H. 2004, pp. 15-16

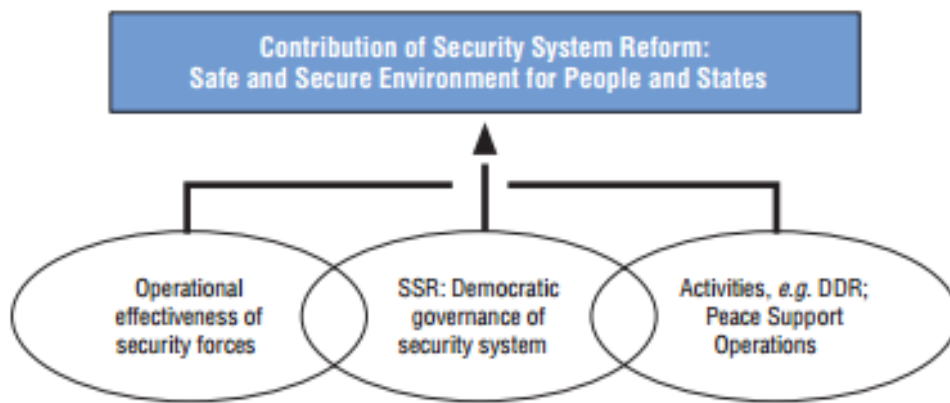
²² Organisation for Economic Co-Operation and Development. 2005, p. 20

²³ *ibid*

Security sector reform belongs in a larger multidimensional, political, economic, and societal framework of post-conflict peace-building.²⁴

A society's security sector reform include the “strengthening of peacetime capacity of military forces, establishing clear mechanisms for accountability for the shift from being a threat to society to being a provider of security, balancing resources spent on military compared to overall security sector spending; for reorientation of the military away from domestic politics, overcoming ethnic and other divisions within the military and adjustment of training and education.” As a rule, all actors must respect the “do no harm” principle; that is, avoid making things worse than they already are.²⁵

Figure 1. Security system reform and other related activities²⁶



As a whole, the security sector reform must be integrated and mainstreamed into political dialogue and cooperation. Security sector reform must be included in development schemes and programs, and in political post-conflict presence, including protectorates and quasi-protectorates. A successful security sector reform also requires the provision of conditional financial assistance or external assistance limited only to non-military use.

²⁴ Schnabel, A. & Ehrhart, H. 2005, p. 7

²⁵ *ibid*

²⁶ Organisation for Economic Co-Operation and Development. 2005, p. 20

The challenge is to integrate all of these aspects in peace-building operations and ensure that SSR mechanisms do not require the presence of international troops. All of these tasks are crucial components of a peace-building mission, including short-term stabilization and long-term conflict prevention. They also account for the human security principles; the social, economic, and political dimensions of post-conflict peace-building and security sector reform.

The security needs of individuals and communities in post-conflict peace missions requires the linkage of political, economic, legal, social, and security sector reform. In this process the external actors are tasked with two important issues; first, putting security sector reform on the right path during the period of external presence; and second, facilitating partner country-owned and led reform efforts by ensuring that local actors are efficiently trained and resourced to continue that work.²⁷

Local actors must also agree to collaborate with external security providers and deliver noticeable results. Failure to do so might result in external actors losing interest and political and financial backing. One of the obstacles in this process is that internal elites may not be interested in transparency, accountability, and legitimacy, while external actors may not demonstrate long-term commitment, mainly due to financial reasons.²⁸

SSR and peace-building

Since the end of the Cold War and the conflict in the former Yugoslavia, the military environment in the Balkans has evolved due to the new security perceptions of international actors that entered the scene. The presence of international troops deem any imminent military threats or external attacks unlikely, and while some political disputes and rivalries persist, most countries have engaged in downsizing and reforming their armed forces.²⁹ Croatia and Albania have become NATO members with Montenegro being asked to join alliance, while Macedonia's membership bid has not been confirmed due to objections from Greece.³⁰

The sources of external security threats to Kosovo consist of terrorist organizations, international organized crime groups and proliferation of weapons of mass destruction. Kosovo and other small countries in the region lack resources to tackle global threats and this necessitates their participation in

²⁷ Schnabel, A. & Ehrhart, H. 2005, pp. 7-10

²⁸ Schnabel, A. & Ehrhart, H. 2005, pp. 6-9, Organisation for Economic Co-Operation and Development. 2005. p. 13

²⁹ Muja, A. 2013, p. 8

³⁰ NATO, Enlargement

international operations, as well as multilateral security cooperation. Therefore there is a need for a multipurpose security force that is able to react to a diverse nature of threats including those related to territorial integrity as well as natural and emergency situations, and respond to international crisis and peace-building operations.³¹

The roles of security forces and the process of security sector reform are key ingredients of the post-conflict peace-building agenda. The process of conflict transformation and the rebuilding of political institutions, security, and economic structures require a secure environment. The military forces must be able to cope with diverse such tasks as the reinstallation of order, support for local security forces, disarmament of combatants, facilitation of security sector reform, protection of elections, demining, and securing the repatriation of refugees and protection of human rights.³²

In order to achieve this, the external military forces need to be integral parts of the overall transformation process of the post-conflict society concerned. Military forces in even the most advanced democracies are themselves in a process of change. The emergence of a postmodern military is characterized by challenges such as the traditional values of honor and fatherland are increasingly being replaced by universal values such as freedom, democracy, and justice. Also, although fighting capacities remain important, other non-military tasks are gaining relevance.³³

The military is an institution of the state, and as such primarily an instrument to assure external security for the state and its society. In the changing security environment international security threats are increasingly defined by intrastate, not interstate, conflicts and internal conflicts have the potential to destabilize entire regions.³⁴

A functional police force is a requirement for upholding community security and essentially for all economic and social development. The police can't be biased towards any parts of the population, and community-based policing can help overcome cultural barriers between officers and the different ethnic groups. All violations of human rights by police forces must be checked and eliminated, and there must be support for border guards and customs services to prevent corruption, criminalization, and illicit trade.³⁵

³¹ Muja, A. 2013, p. 9

³² Schnabel, A. & Ehrhart, H. 2005, p. 3

³³ *ibid*

³⁴ *ibid*, p. 4

³⁵ *ibid*, p. 7

There is a need for the review and management of the civilian security management in order to strengthen civilian expertise in defense, justice, and internal ministries; to establish independent audit offices; to establish civilian review boards for police forces and penal institutions and to create parliamentary committees to cover defense, policing, and internal affairs.

Security forces must be made trustworthy in the public's eye; fundamental human and legal rights of citizens must be respected and public legitimacy strengthened. Security forces ought to focus on their central task, which is the provision of security, not involvement in the political process and governance.

A well-informed and independent civil society sector (NGOs, professional associations, independent media, and research and advocacy institutions) can review the accountability and efficiency of the security sector. These actors can also ensure that security sector monitoring is maintained after external assistance and oversight has been withdrawn.³⁶

The security sector's activities must be made more transparent by developing and publishing regular official statements on security policy and to increasing transparency in budgeting, accounting, and auditing as well as ensuring reduced corruption and inefficient investments in security sector programs and activities.

Encouraging the establishment and strengthening of sub-regional organizations is essential in order to encourage external commitment to funding, and strengthening their conflict prevention and mediation and resolution mechanisms. The wider involvement of civil society in regional dialogues along with other actors reaffirms the long-term commitments to regional civil society development and dialogue.³⁷

Demobilization and long-term reintegration of ex-combatants to civilian life must be prioritized. This includes demobilization and disarming, reintegration, job training and creation and long-term reform programs to ensure security for ex-combatants and their families. In connection with demilitarization, the proliferation of arms must be limited. It is important to collect arms and enhance border control and internal security mechanisms to avoid the spread of small-arms.

³⁶ Schnabel, A. & Ehrhart, H. 2005, pp. 7-8

³⁷ *ibid*

2.1 Security at a glance

One of the most important concepts in this thesis is security. In international relations, the notion of security has been dated back to the 1940s³⁸. Security in this specific context has a broad definition and will be dealt with in parallel with other concepts, such as development, justice and defence. Security, as opposed to defence, is characterized by a constructive approach. It is thus about more than just the preservation and restoration of order.

Security, development and justice are broad normative concepts whose empirical referents are vague, and whose operational meanings are constantly changing. They are also often understood differently by different stakeholders, including citizens, representatives of civil society, national governments and donors.³⁹

These notions also carry a positive value charge: they refer to values and goals (e.g. freedom, fairness, personal safety) that can be utilized for practical purposes, for instance in political discourse.⁴⁰ Various institutions established to deliver them with defence forces, civil ‘crisis management’ personnel, police and humanitarian actors produce ‘security’; and the aid industry produces ‘development’.⁴¹

Concepts such as security sector/system reform (SSR), justice reform and the rule of law are often attached to the justice and security engagements in peace-building and state-building in conflict affected and fragile states.⁴² Rule of law can be defined as an overarching principle of safety, security and justice, which contributes to a number of outcomes, including personal safety and security, justice, equality and peaceful conflict management.⁴³ SSR unarguably carries similar connotations; however, the focus is more on the state and its institutions.

SSR and rule of law missions tend not to be associated with the political aspects of the reform, and instead confine themselves to the technical aspects of reform such as amending laws and legal texts, or strengthening executive agencies charged with the provision of security.⁴⁴

³⁸ Bueger, C. & P. Venneson. 2009, p. 7

³⁹ Bakrania, S. 2014, p. 5

⁴⁰ *ibid*

⁴¹ Alava, H. ed. 2010, p. 26

⁴² Van Ween, E. & Derks, M. 2012, p. 76

⁴³ Bakrania, S. 2014, p. 5

⁴⁴ Van Ween, E. & Derks, M. 2012, p. 81

Additionally; “an environment where the rule of law is respected and security bodies are under the control of civilian authorities will help people feel safe and secure and encourage them to claim their rights as citizens. Conversely, where there is no effective and accountable national security structure, violence can permeate society and injustice can prevail.”⁴⁵

Traditionally security has been something that the threat of armed conflict, especially conflict between states, and protected by arms, undermines. With the end of the Cold War, both the notions of security and development were broadened. A competing perspective, ‘human security’, first introduced in the Human Development Report 1994 by the United Nations’ Development Program UNDP, states security should mean not only ‘freedom from fear’ but also ‘freedom from want’.⁴⁶

Human security considers the fact that security for most people means more everyday things such as security of employment, income, health, the natural environment, or security from crime. Despite this, the previously dominant mode of the thinking has retained its strength and most talk of security remains focused on military conflicts. The definition of security itself, however, has been increasingly broadened with the incorporation of selected items from the human security agenda.⁴⁷

2.2 Previous research

There is an abundance of research on the Kosovo war, particularly on the legitimacy of the NATO intervention and the war crimes committed by the Serbian military and paramilitary forces. The post-conflict period has not been analysed to a similar extent. This may be a reflection of the progress of peacekeeping and -building missions; typically once the military conflict is resolved there is little follow-up on the post-conflict period. There is also a shift in actors operating conflict versus post-conflict environments. More NGOs and humanitarian actors operate in the post-conflict period, and much of the research they produce is often tied to the short-lived projects they have received funding for. These also tend to cover only specific issues or topics.

Many of the problems faced in the post-conflict era have their roots in the way the military conflict was brought to an end. Military operations often follow the moral guideline that the end justifies the means, which in part is due to the lack of options in terms of how to minimize the cost of human lives in a conflict.

⁴⁵ Bakrania, S. 2014, p. 5

⁴⁶ Human Development Report 1994, p. 24

⁴⁷ Alava, H. edt. 2010, pp. 25-26

Niklas Saxén deals with very similar topics in his master's thesis "Effective peacebuilding in a post-conflict environment: problems and solutions with non-state armed groups". My focus is, however, in Kosovo, and even though Saxén has utilized much of the same material and as a consequence, make similar conclusions, my thesis is more case-specific.

Camille Andrée Marie Monteux argues in her doctoral thesis "Institution Building in Kosovo: The Role of International Actors and the Question of Legitimacy" that the international community failed to provide Kosovo with institutional structures capable of sustaining long-term economic, political and social peace and stability because of their inability to provide legitimacy for their actions and policies. Although this thesis does not deal with the legitimacy of institution building per se, the findings align with Monteux's arguments.

3 Establishment of the first security institutions 1999-2005

The agreement on the undertaking of demilitarization and transformation by the KLA signed on the 20th of June 1999 assigned KFOR the task of overseeing the process of KLA's demilitarization within the next 90 days.⁴⁸ The objective of the agreement was to have as many KLA combatants as possible return to civilian life. However, the majority of them were eventually recruited to join the mostly unarmed civilian emergency agency Kosovo Protection Corps (KPC) and the Kosovo Police Service (KPS) – later shortened to Kosovo Police (KP). The KPC was intended as a compromise between the KFOR's mandate to demilitarize KLA and the KLA leaders' demands that Kosovo would retain a standing force that in the future could potentially be transformed into an army.⁴⁹

A considerable number of former KLA combatants were also involved in the operation of locally or internationally-owned private security companies (PSCs) that emerged rapidly after the end of the conflict. Many PSC's were established by former KLA combatants. Similar developments can be found in other regions of the former Yugoslavia.⁵⁰ Important leading figures of KLA also became influential politicians operating through two political parties; the Democratic Party of Kosovo (Partia Demokratike e Kosovës, PDK) and the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës, AAK) that largely dominated the post-war political arena in Kosovo.⁵¹ Hence, KLA was able to retain some of its influence and prestige despite having formally been disbanded.

Notwithstanding the extensive foreign military presence and the fact that the UN had the legal responsibility of the province, an ethnic cleansing of the Serbs and other minorities and the destruction of hundreds of medieval Orthodox churches and monasteries took place during the first nine months. The KLA had intended to create an ethnically pure Albanian Kosovo and the international community appeared to be unable to stop this development or lacked the motivation to do so, even though the KLA technically was no longer in operation. KLA leader Hashim Thaqi declared himself prime minister of the newly formed government, which the UN was unable to prevent, despite it being regarded as illegitimate. The Serbs developed a strong distrust of the entire UN administration from the beginning, and boycotted its institutions. This was made possible by the existing parallel structures upheld by the government in Belgrade.⁵²

⁴⁸ Undertaking of demilitarisation and transformation by the UCK. 20/06/1999. Article 23h

⁴⁹ International Crisis Group. 2000, p. I

⁵⁰ Kosovar Center for Security Studies. 2009a, p. 11

⁵¹ Kosovar Stability Initiative. 2011

⁵² Murphy, R. 2009, pp. 90-91

UNMIK

UNMIK was established under United Nations Resolution 1244 which simultaneously authorized the deployment of NATO's military forces, KFOR, to Kosovo. Under the direction of the SRSG, UNMIK initially had four pillars that brought four international organisations and agencies together. The four original pillars were the following:

Pillar I: Humanitarian Assistance, led by the Office of the United Nations High Commissioner for Refugees (UNHCR);

Pillar II: Civil Administration, under the United Nations;

Pillar III: Democratization and Institution Building, led by the Organization for Security and Co-operation in Europe (OSCE), and

Pillar IV: Reconstruction and Economic Development, managed by the European Union (EU).

A review and substantial revision of UNMIK and the entire policy towards Kosovo was launched by the UN in 2005 and continued the following year. After UNMIK had undergone an internal restructuring of its activities, the pillar structure was in large part dismantled in November 2006.

UNMIK's work was hampered from the beginning by its slow establishment, caused by in part by the delay in the implementation of donors' funding commitments, as well as the absence of police and of judicial processes. The contradictory character of 1244 which calls for commitments both to "substantial autonomy and meaningful self-administration" for Kosovo, and to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, complicated the policy-making on a range of issues, especially concerning the security sector.⁵³ Kosovo's unresolved political status significantly affected the entire reconstruction effort. Formally Kosovo was still part of Serbia, but in practice, Serbia had no longer any control over the province, which was ruled by the United Nations.

There were also some disagreements between UNMIK and the PISG (The Provisional Institutions of Self-Government) regarding the shared authority; UNMIK claimed that PISG tried to intervene and take control of areas where they had not received any authority while the PISG felt that UNMIK did not respect the PISG's legitimacy. As a result, many Albanians as well as Serbs had lost their faith in UNMIK. The main takeaway from the UNMIK rule includes the need to create an international

⁵³ Independent International Commission on Kosovo, 2000

policing capability, the need to increase funding for post-conflict operations, and the importance of supporting and strengthening moderate democratic political groupings.⁵⁴

Overview of the KLA

Ethnic violence in Kosovo is the product of ethnic, religious and socio-historic rivalries between the Kosovo Albanians and Serbs. Albanian resistance movements' political rival was typically personified in the Belgrade regime.⁵⁵ The Kosovo Liberation Army was of the most prominent of these movements; however it formally experienced only a relatively short existence in the second half of the 1990s.⁵⁶ KLA represented the predominantly Albanian majority population of Kosovo, with the objective to gain independence from Serbia/Yugoslavia as well as put an end to the perceived oppression of the Albanians.⁵⁷

The events that lead to the emergence of KLA took place roughly around the time Milosevic's office was established. In 1989, Kosovo became an important part of his national policy which in KLA's rhetoric was identified as occupation, colonization and forceful emigration of Albanians out of Kosovo. Already the following year Kosovo's autonomy was reduced significantly. In the early 1990's the majority of the Albanians were removed from the public offices and the Albanian media was abolished. Almost overnight the Albanians began to protest Serbia in a passive, non-violent manner. This was not preceded by any actual decision but was partly because the Albanians had no military resources for resistance and gradually began to identify themselves as the opposite to whatever Serbia in their eyes stood for.

The Kosovo Albanians created a parallel underground system consisting of for example schools run in private homes by volunteers. Economically the 1990's was a difficult era and primarily relied on the economic aid sent in from Albanians living abroad.⁵⁸ During this time, the KLA was particularly active in utilizing the diaspora's resources.

In light of the reductions in autonomy, the Albanians established a parallel parliament led by Ibrahim Rugova as the president. Although a number of political parties emerged in Kosovo just like in the

⁵⁴ Bekaj, A. 2010, p. 8

⁵⁵ *ibid*, p. 9

⁵⁶ *ibid*

⁵⁷ *ibid*, p. 37

⁵⁸ Koskinen, P. K. 2000, pp. 119–120

rest of Yugoslavia in 1989-1990, it was the LDK (Democratic League of Kosovo) that under the leadership of Ibrahim Rugova controlled the nation.

With their passive resistance, Kosovo's informal shadow government and the LDK tried to draw international actors' attention to Kosovo's situation and ultimately get their support for Kosovo's bid for independence. Although LDK had a dominant position among Albanians, there were groups who did not support Ibrahim Rugova's nonviolent strategy. In the autumn of 1994, tension increased both within the LDK and in smaller parties like the liberals, and a more moderate faction that advocated Kosovo's autonomy through negotiations, surfaced.

The resistance also grew against LDK's dominance over the communities. A number of senior moderate politicians left the LDK in October 1994, and the gap between the moderates and those who sought independence grew not only in Kosovo but throughout the diaspora, especially among Albanians in Germany, Switzerland and the United States.⁵⁹

An important change in the political climate occurred in 1995 as a direct result of the peace agreement for Bosnia-Herzegovina (Dayton Agreement). The failure of the Dayton agreement to secure financing and agree on the implementation of the curricula led to frustration and radicalization among Albanian students, and many saw dialogue as an ineffective way to push their agenda. The students' peaceful movement was the first movements to openly protest Belgrade's discriminatory policies while simultaneously attacking the LDK's passive resistance.⁶⁰

The peaceful resistance started to lose its supporters to the alternative radical and militant groups that gained more foothold in the mid 90's.⁶¹ The Dayton Agreement can be said to have systematically ignored the Serbian-Albanian relations, thus contributing to its shortfalls in addressing the question of Kosovo. The agreement also resulted in the UN lifting some of the sanctions against Serbia. As a result, Germany started to repatriate Albanian refugees. The conclusion that many Albanians drew from this was that their violent strategy had failed and that they needed to provoke violence and war, as in Bosnia-Herzegovina, in order to get the international community's attention and be taken seriously. This caused a split in the Albanian elite that resulted in the formation of three fractions: a pacifist, an activist and a militant.⁶²

⁵⁹ Eriksson, M. & Kostić, R. 2013, pp. 42–43

⁶⁰ Bekaj, A. 2010, p. 16

⁶¹ *ibid*

⁶² Eriksson, M. & Kostić, R. 2013, pp. 43–44

The nonviolent resistance's failure paved way to groups whose *modus operandi* was armed conflict, as people's initiatives for finding a way out of the political dead end meant undertaking armed resistance. Due to lack of experience and the risks associated with illegal activities, these groups operated as individual units and were not coordinated by a joint body. The emergence of illegal groupings in Kosovo in the late 1980s and early 1990s was illustrative of the political environment, as the strongest growth occurred in the military faction.⁶³

The KLA was formed by a group of Albanians in exile between 1992 and 1993, with the help of a clandestine political organization, The Popular Movement of Kosovo/People's Movement of Kosovo (LPK). KLA was to act as a depoliticized guerrilla formation on the ground, while LPK would be in charge of the political and strategic decisions regarding the war.⁶⁴

Initially a small group of few members quickly grew to consist of perhaps a few hundred men, and began to conduct terrorist attacks across Kosovo. The attacks were at first targeted against the Serbian police and political leaders, but later also against Serb refugees and the Albanians who did not support the radical movement.

LPK encouraged KLA to portray themselves as a liberation army that adhered to the Geneva International Convention of 1949 and other international treaties, such as the Right to Self-Determination of the UN Charter, and that of Helsinki and Paris, could not be seen as initiators of an international armed conflict.⁶⁵

Many of the LPK's central members were based in Sweden, Germany and Switzerland, and this was the group from which the KLA emerged. KLA attracted members mainly in the diaspora and from some of the clans in the area around Drenica in central Kosovo. One of the leaders was Hashim Thaqi and later Adem Demaqi became the representative for KLA's political wing.

KLA and LPK weren't the only groups operating in Kosovo, and it is important to distinguish between these different actors. Another military branch known as FARK (the Armed Forces of the Republic of Kosovo) was created by the LDK-led government's Ministry of Defence. FARK was the military wing of the government of the Albanian parallel system and was controlled by Bujar Bukoshi, the LDK's prime minister in exile.

⁶³ Bekaj, A. 2010, p. 16

⁶⁴ *ibid*

⁶⁵ *ibid*, p. 17

FARK was primarily funded through tax revenues and by former Albanian officers in the Yugoslav army. KLA however, contained more radical elements, and was financed largely by criminal networks successfully established in Western Europe. At first, KLA was not in any way connected to FARK and there were even open clashes between them in 1998-1999. Eventually KLA surpassed FARK as the primary armed force, and many FARK soldiers later passed over to the KLA and thus parts of FARK merged with the KLA.⁶⁶

When the Albanian government collapsed in 1997 and the country fell into anarchy, new opportunities to acquire arms through criminal activity such as by raiding weapons depots became available. KLA and other rebel groups could now arm themselves and began to operate in Albania as well. Officially the KLA at this time was labelled as terrorists by the Clinton administration, but some sources claim that they received support from the CIA and the British intelligence to act as resistance group opposing Slobodan Milosevic.⁶⁷

KLA's military activity against the Serbian police and civilians, but also against Albanians who had dealings with the Serbs or were considered too moderate in their approach, escalated towards the end of 1997. In some regions they also attacked the supporters of the LDK and FARK. Although this created fear among some Albanians, the time was now ripe for KLA to provoke enough violence to get international attention. KLA had camps in Albania and pursued low level guerrilla warfare, but did not yet have enough resources to train larger units.

On the 28th of February 1998, Serb troops killed 26 members of Albanians families in Drenica. On the 4th of March they attacked a famous guerrilla leader Adem Jashari and his group, most of whom were part of his family. The Serbian forces killed 58 Albanians in Jashari's group. These killings known as the Drenica massacres had two immediate consequences; they provoked rage among Albanians throughout Kosovo as well as in the diaspora, and the leaders in various parts of the province now decided to support the armed uprising. Furthermore, the Albanian-American community that until then had supported the LDK, now decided to finance the KLA. Both of these factors amounted to a success for the KLA and the organization grew to consist of several thousand members.

⁶⁶ The International Institute for Strategic Studies. 1999, p. 2.

⁶⁷ Henriksen, D. 2007, p. 215

The international community at this time disapproved both the Serbs' excessive violence and the "terrorist acts" by the KLA. This was repeated by both the so-called Contact Group (the US, Britain, France, Germany, Italy and Russia) and the United Nations, including the Security Council resolutions, 1160 and 1199, with the resolution 1160 stating that the Council condemns "–the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training."⁶⁸

Against the backdrop of the Dayton Agreement, these statements held little value for the KLA. The LDK, on the other hand, made some attempts to negotiate with Belgrade but they were unsuccessful as the Serb troops continued to attack the KLA. The LDK grew weaker and began to lose their standing in Kosovo.

As Serbian military operations continued in Kosovo, the US gradually revised their position on KLA, and no longer regarded it as a terrorist organization, and even threatened Serbia with air-bombing. During the second half of 1998, the United States shifted its support from LDK to the KLA. This proved to the KLA that their strategy was successful.

In January 1999, the Contact group held a meeting in Rambouillet, France, to deal with the situation in Kosovo. Formally the meeting was to be a negotiation, but in practice it was an ultimatum for Serbia from the United States, who now sided with the KLA. For instance, the Serbian and the Albanian delegations never met. Also the document presented to the Serbs was more or less final, and there were no real negotiations to be had on the content. LDK was completely marginalized in the Albanian delegation. The delegation was led instead by KLA leader Hashim Thaqi, and the rest were representatives of some smaller parties and independent actors. This basically validated KLA's standing as the official ally of the US.⁶⁹

3.1 Demilitarization of the KLA - the Disarmament, Demobilization and Reintegration process

The international agreements signed following the end of the NATO's bombing campaign responded to one of the first challenges of post-war Kosovo; how to adequately address the demobilization of the KLA combatants, whose estimated number after the war was around 20,000.⁷⁰ The Resolution 1244

⁶⁸ UN Resolution 1160. 1998

⁶⁹ Eriksson, M. & Kostić, R. 2013, pp. 48-50

⁷⁰ Heinemann-Grüder, A. & Paes, W. 2001, p. 14

demanding that “the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization”.⁷¹ It further required that demilitarization principles and modalities should be carried out in close consultation between the international security presence and the office of the UN SRSG. In pursuance of the above, on the 14th of July 1999 KFOR and UNMIK decided to consider the establishment of measures to accompany the reintegration into civil society of those demilitarised KLA members who will not be absorbed into the civil police.⁷²

The KLA had not been a signatory to the Military Technical Agreement which set out “to establish a durable cessation of hostilities, under no circumstances shall any Forces of the FRY and the Republic of Serbia enter into, re-enter, or remain within the territory of Kosovo or the Ground Safety Zone (GSZ) and the Air Safety Zone (ASZ)--. The State Governmental authorities of the Federal Republic of Yugoslavia and the Republic of Serbia understand and agree that the international security force ("KFOR") will deploy following the adoption of the UNSCR referred to in paragraph 1 and operate without hindrance within Kosovo and with the authority to take all necessary action to establish and maintain a secure environment for all citizens of Kosovo and otherwise carry out its mission.”⁷³

The agreement titled “Undertaking of Demilitarization and transformation by the KLA” was signed on the 20th of June 1999 and stipulated the terms and conditions for the KLA to be demilitarised. The framework for the agreement is based on the Resolution 1244, the obligations agreed to at Rambouillet and the public commitments made by the Kosovar Albanian Rambouillet delegation.⁷⁴

This document was signed by the then-KFOR Commander General Mike Jackson, the Chief of Staff of the KLA General Agim Çeku, the Director of the Political Directorate of the KLA Hashim Thaçi, and in the presence of NATO’s Supreme Allied Commander Europe (SACEUR), General Wesley K. Clark, and UNMIK’s Special Representative of the Secretary-General (SRSG) Bernard Kouchner.

The agreement set out the terms, the concrete steps and the timeline for demobilizing KLA combatants, stating that KLA “agrees to comply with all of the obligations of this Undertaking and to ensure that with immediate effect all UCK forces in Kosovo and in neighbouring countries will observe the provisions of this Undertaking, will refrain from all hostile or provocative acts, hostile intent and freeze military movement in either direction across International borders or the boundary between Kosovo and other parts of the FRY,

⁷¹ United Nations Security Council Resolution 1244. Article 15

⁷² IOM Kosovo. 2003, p. 2

⁷³ Military Technical Agreement. 1999. Article 4a

⁷⁴ Undertaking of demilitarisation and transformation by the UCK. 1999. Article 1

or any other actions inconsistent with the spirit of UNSCR 1244. The UCK in Kosovo agree to commit themselves publicly to demilitarise in accordance with paragraphs 22 and 23, refrain from activities which jeopardise the safety of international governmental and non-governmental personnel including KFOR, and to facilitate the deployment and operation of KFOR.⁷⁵

With a different timeline set for each step, the KLA was expected to have completed the processes for their demilitarization and ceased wearing either military uniforms or insignia of the KLA within 90 days.⁷⁶ The Joint Implementation Commission (JIC), comprised of COMKFOR as Chair, representatives from KFOR and NATO and the interim civil administration for Kosovo. JIC ensured the compliance with agreed arrangements for the security and activities of all forces and the investigation of actual or threatened breaches of the undertaking.⁷⁷

The demilitarization of the KLA was one of NATO's first priorities and the demilitarization agreement provided the legal framework for it. For NATO, the complete dissolution of KLA and the combatants' return to civilian life was essential in order to prevent any succession, and there was not much eagerness to transform KLA structures into another security mechanism in post-war Kosovo.⁷⁸

However, the continuation of KLA's legacy held a significant symbolic value for the Kosovar Albanians, and a vast majority of the population considered the KLA to be the army of the independent Kosovo, and the KLA leadership was aware of its symbolism and prestige.⁷⁹ KLA was able to leverage this into avoiding a complete dissolution by preserving some of its hierarchy and insignia.

There are many similarities with the case of Bosnia and Kosovo, with the exception that Bosnia's internal regime and external status were essentially settled with the Dayton Agreement, while Kosovo's has remained unsettled. The international community was therefore unable to deal with the various power groups in Kosovo, in particular the former KLA, whose standing on Kosovo's status was univocal.⁸⁰

The status question has probably been one of the most important factors explaining why the international community was unable to draft an overall plan on Kosovo's security sector. The whole

⁷⁵ Undertaking of demilitarisation and transformation by the UCK. 1999, Article 4

⁷⁶ *ibid*, Article 23h

⁷⁷ *ibid*, Article 20b

⁷⁸ Bekaj, A. 2010, p. 27

⁷⁹ *ibid*, p. 28

⁸⁰ Law. 2006, p.8

process has remained fragmented and incomplete – with serious repercussions, both locally and regionally.⁸¹

The non-resolution of Kosovo's status question has meant that since the security sector could not be developed in a way a sovereign state's security sector normally would, international actors took over jurisdiction related functions for the protectorate. Therefore the question of national security sector institutions was not addressed from the beginning, which undermined the comprehensiveness of the DDR efforts as well as the local police and municipal reform.⁸²

Kosovo's status has been a major issue not only because of the conflict between Serbs and Albanians, but also because the international development assistance is generally only given to states or governmental actors. The World Bank, for instance, requires a state to sign the agreements and since Kosovo's status was uncertain, it was not able to obtain the BIC/SWIFT –codes.⁸³ Hence, Kosovo has not been signatory to many agreements allowing international cooperation.

IOM's Information, Counseling and Referral Service

The IOM-implemented Information Counselling & Referral Service (ICRS) was designed to assist demilitarised KLA combatants to reintegrate back into civilian life, but there was little demand for the vocational training available through the program.⁸⁴ Therefore there was an increased focus on self-employment. A significant share of the former KLA members remained in the security domain, i.e. KPC and the private sector.

Regardless, the IOM program was a relative success even if its vocational training sometimes seemed to be far ahead of economic recovery. Roughly half of the combatants returned to their prior positions and around 5,000 of them joined the KPC and some 2,500 in KPS.⁸⁵ Former combatants' reintegration efforts take time to achieve full socio-economic reintegration in order to achieve a completed situation of demobilization.

There is clearly a need for job creation programs, particularly the formation of small and medium-sized enterprises where the international community could play a more important role in making

⁸¹ Law. 2006, p.8

⁸² *ibid*, pp. 8-9

⁸³ Chandler, D. & Sisk, T.D. 2013, p. 275

⁸⁴ *ibid*

⁸⁵ Heinemann-Grüder, A. & Paes, W. 2001, p. 39

credit available to entrepreneurs. At the same time, a clear economic policy for Kosovo has just begun to emerge, although it is being hampered by conflicts among the donors about the economic future of the territory.

One of the major assumptions that have not been fulfilled is that of adequate funding – the budgets of the IOM, KPC and KPS combined are a mere fraction of the cost of the UN's administration of Kosovo. It seems evident that more funds should be set aside for this purpose, as the successful reintegration of former fighters is a necessary prerequisite to calm the region.

It is standard practice in Demilitarization, Demobilization and Reintegration (DDR) programs to provide demilitarized combatants with stipends so they can support themselves and their dependents until reintegration and income generating activities begin. However, due to the timing of the arrival of funding and its quantity in Kosovo for the program, stipends could not be offered to demilitarized combatants. This forced many former combatants to remain dependent upon the KLA structure for support and hence negating some of the intended outcomes of demobilization.⁸⁶

The shortfalls of the demilitarization efforts

The demilitarization agreement set a clear timeline for the disarmament process, but the outcome didn't live up to the expectations. The international community was unable to divide the different responsibilities between themselves and take action early on, which in turn contributed to a fragmented demilitarization process. The security vacuum created by the Serbian military's withdrawal was filled with parallel security and justice structures organized by local communities, while the UNMIK and KFOR were slow to deploy or not fully operational despite the substantial powers given to them.⁸⁷

The lack of law enforcement and unclear legal situations allowed KLA elites to create economic and political niches during the first six months of the Protectorate, although policing and the judiciary remained weak spots in UNMIK's administration.

Some elements in the initial stages of the security sector reformation can be considered to have suffered from this. First, an incomplete turning in of weapons was caused by the lack of all-encompassing weapons collection program that would have encouraged KLA and other actors to do

⁸⁶ IOM Kosovo. 2003, p. 15

⁸⁷ Hehir, A. 2010, pp. 134-135

so. KLA surrendered 10,000 weapons in the summer of 1999, which can be interpreted as more of a gesture of goodwill that allowed both KFOR and the KLA leadership to save their face, rather than as a testament of an effective disarmament of the KLA.⁸⁸

This led to the assumption that numerous Small Arms and Light Weapons (SALW) have been stowed away ‘for a rainy day’ or transferred to Albania, South Serbia or Macedonia, or ended up in the hands of organized crime. With respect to the disarmament of the KLA, KFOR never seriously questioned the symbolic nature of the hand-over of the weapons.

A UNDP study shows that small arms misuse may represent an internal threat to the Kosovar society. Compared to other countries in the Central and Eastern European region, small arms are used in a disproportionately high number of homicides and robberies. A Small Arms Baseline Assessment (SABA) household survey found that assault rifles and pistols continue to be trafficked from Serbia and Albania, and are owned by a wide array of actors including civilians, organized criminal actors, and political factions.⁸⁹

Second, the role of the KPC was ambiguous from the start; was it a humanitarian organization for the International Community, or the core for a future Kosovar army? The hardliners and criminal elements were never effectively removed from the KLA structure or the society as a whole; hence, their influence on the demilitarised combatants remained, often contrary to expectations of civil society.⁹⁰ As a result, the KLA prevented the integration of other Albanian units into the KPC.

Organized crime, such as smuggling, trafficking and drugs trade is an enormous problem with former KLA combatants. The KLA’s close ties with the extremist-nationalist armed Albanian groups in the South of Serbia and Macedonia have contributed to this issue. The trans-border weapons trade and widespread availability of SALW played an important part in creating a perception of the KLA as victor.”⁹¹

Collier’s framework of macro- and microinsecurity defines the threats presented by combatants. He argues that at the micro-insecurity level gainful and rewarding employment or means of livelihood and a sense of community significantly reduce the potential threat that the former combatants might

⁸⁸ Heinemann-Grüder, A. & Paes, W. 2001, p. 19

⁸⁹ Khakee, A. & Florquin, N. 2003, p. 41

⁹⁰ IOM Kosovo. 2003, p. 15

⁹¹ Rufer, R. 2005, p. 88

present to the society. Therefore micro-insecurity can be defined as a fear that the individual is the victim of crime. Collier stresses the importance of successful demobilization and reintegration in order to prevent the problem of insecurity being compounded in the society.⁹²

Collier also argues that the unsuccessful reintegration of former combatants may present a threat at the macro level as well. Dissatisfaction, grievances or the imbalance in socio-economic and political structures that led the combatants to take arms and fight in the first place may encourage them to remobilize if these issues continue to be neglected, ineffectively dealt with and unresolved. According to Collier, the fear that the state will be overthrown by insurrection is associated with macro-insecurity, and can be exacerbated by an unresolved conflict.⁹³

As the KLA members committed a wide array of acts of violence against civilians, prosecuting the alleged perpetrators, as well as launching pro-active reconciliation policies, is essential. Investigating and documenting all gross violations of human rights, identifying those involved and enforcing judicial accountability is important in order to minimize macro- and microinsecurity within the society⁹⁴ was problematic in Kosovo from the start as the KLA combatants enjoyed considerable popular support and their actions are generally not perceived as punishable.⁹⁵

The Kosovo Police and integration

The Kosovo Police Service (KPS) was established as a part of UNMIK's institution-building mandate. UNMIK was responsible for the recruitment, while the training was organized by OSCE. KPS operated under the authority of the UNMIK Police Commissioner (Pillar II, later Pillar I)⁹⁶ and was in close cooperation with the UNMIK police.⁹⁷

⁹² Collier, P. 1994, p. 343

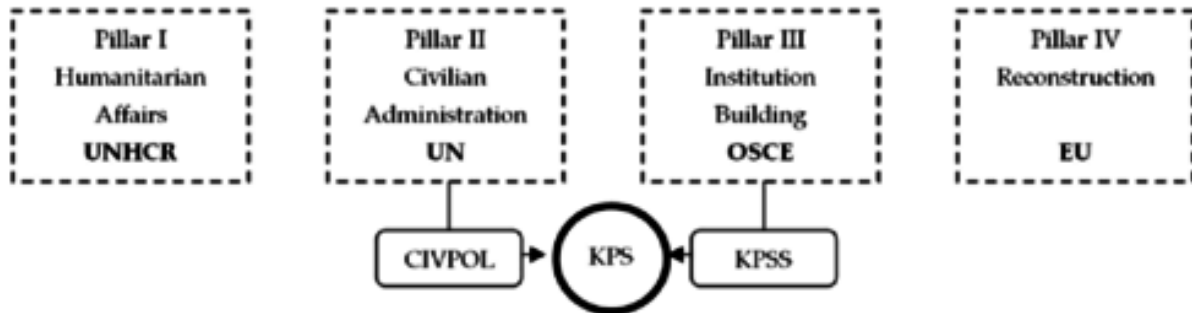
⁹³ *ibid*

⁹⁴ Heinemann-Grüder, A. & Paes, W. 2001, p. 40

⁹⁵ BBC, 15.1.2016.

⁹⁶ Jassens, J. 2015, p. 137

⁹⁷ Bekaj, A. 2010, p. 31

Figure 3. KPS under the UNMIK Pillars⁹⁸

The OSCE Mission in Kosovo was in charge of setting up the Kosovo Police Service School (KPSS) and selecting and training interested applicants. Members were chosen from all communities living in Kosovo, with quotas for former KLA combatants (50%), former Yugoslav policemen (20%), minority groups (15%) and women (25%)⁹⁹, although not all of these quotas were met.

Following the independence and the passing of new legislation, Kosovo Police Service was reformed and its name shortened to Kosovo Police (KP). The KP, as well as KPC, absorbed a large number of former KLA combatants. Although multiethnicity was stressed from the beginning, it was not as visible in the outcome, as approximately 25% of the 7,000 KP members were former KLA soldiers. As out of 3,000 active KPC members, 70% came from the KLA, there were roughly as many former KLA in the KPS as in the active body of the KPC.¹⁰⁰

KPC was composed almost entirely of former KLA members, and nearly half the slots in the Kosovo Police Service (KPS) were also reserved for former KLA members. This led many to fear that former KLA might unduly influence the KPS. UNMIK police were probably counting on that the percentage of KLA in the KPS would decrease since the former KLA already controlled the KPC. There were also some concerns over the potential dominance and influence of KPC on the KPS, and that they might become battling public security forces both established and funded by the UN and NATO.

According to a U.S. Department of Justice report “people with records of human rights abuses must be excluded from newly formed local police forces. Not only may a new police force quickly become

⁹⁸ Jassens, J. 2015, p. 137

⁹⁹ *ibid*, p. 138

¹⁰⁰ International Crisis Group. 2000, p. 31

tainted by association with discredited personnel, but old behavior patterns may also be passed on to new and impressionable recruits. It is especially dangerous to "roll over" whole units into the new police, even if they possess unusual skills, such as intelligence gathering or criminal investigation. They bring with them a cohesiveness that hampers change."¹⁰¹

Although KPS successfully contributed to substantial improvement in policing, the lasting influence of the old KLA structures within the force continues to be a cause of concern. It seems that the KLA has in part reverted to its roots in as parts of the old KLA have been integrated first into the self-governing and paramilitary structures of UN-administered Kosovo, and later to the sovereign government itself, the more radical forces now act abroad. With regard to the demobilization of the KLA in Kosovo, there is no doubt that some radical and criminal members of the old structures have survived the transformation intact.

KFOR, UNMIK and demilitarization

KFOR's control over the implementation of the demilitarization agreement suffered from a lack of coordination between the individual KFOR zones. At times the central command chain of KFOR was undermined by specific country regulations as certain zones were administered by them. Furthermore, control of the KPC, as well as illegal activities on the part of former KLA members, required policing and investigation skills that the militarily trained officers lacked.

Due to the slow establishment of UNMIK, the UN International Police force did not become fully operational as quickly as expected and was significantly understaffed throughout its existence. KFOR therefore took upon police work, even though they were not trained for it and only some national contingents were ready to undertake these tasks.¹⁰²

The high turnover rate of KFOR and UNMIK personnel lead to a loss of institutional knowledge. It seems more reasonable to rotate personnel in a way that secures continuity. Furthermore, some KFOR sectors were understaffed with respect to KPC control. This is of particular importance if KPC units or individual members do not follow regulations.

The lack of planning, as well as the fact that there was no entry or exit strategy, were one of the biggest problems of the intervention. The outcome of the wars of intervention can be unexpected and

¹⁰¹ Bayley, D. H. 2001, p. 56

¹⁰² Watkins, C. S. 2003, p. 15

unintended, but NATO was not prepared to deal with the aftermath of the military defeat of the Serb forces. Bureaucratic sluggishness, competing national agendas, budgetary problems and an unclear division of labor demonstrated the political negligence of UNMIK and KFOR.¹⁰³

The unresolved status of Kosovo was one of the major obstacles preventing a complete demobilization and disarmament of KLA, as former combatants retained their weapons in case another liberation war were to occur. Even the KPC, although technically a civilian institution, was preparing for such a scenario.

The status question was especially relevant to the KPC, as for most Kosovars it represented the preliminary design on a national army, but UNMIK could not allow the establishment of such a force under the terms of Regulation 1244. The issue reflected negatively to the relations between KFOR, UNMIK and the KPC from the start.

There was a need to unify civil and military aspects of the protectorate administration and to create accountable and transparent chains of an administrative division of labor as well as subordination—a lesson one could have learned from post-Dayton experiences in Bosnia. As the International Crisis Group noted; “The continuing lack of effective inter-entity legal cooperation between law enforcement, administrative and judicial authorities of both entities is an ongoing impediment to the strengthening of the judiciary and judicial independence. Cross-entity organised crime and accessing documents from the other entity are still two areas where there must be an increase in co-operation”¹⁰⁴

3.2 Kosovo Protection Corps and Kosovo Security Force

90 days after the demilitarization agreement was signed, UNMIK promulgated Regulation No. 1999/8 on the Establishment of the Kosovo Protection Corps (KPC) on the 20th of September 1999. UNMIK provided the legal framework, decided upon the locations of KPC garrisons, and financed projects, but the training and reintegration of the KLA combatants were delegated to IOM and OSCE.

The Joint Interim Administrative Structure Administration licensed the transformation of the KLA into the Kosovo Police Force (KPF) and Kosovo Protection Corps (KPC),¹⁰⁵ which in this study marks the first developments in the security sector within the timeframe of consideration. In order to create

¹⁰³ Heinemann-Grüder, A. & Paes, W. 2001, p. 41

¹⁰⁴ International Crisis Group, ICG Balkans Report N° 72. 1999, p. 2

¹⁰⁵ UNMIK Regulation 2000/1

legitimacy for local management, an international police and judicial corps were established to train and work together with the locals.

The KPC was established as a civilian emergency response agency, a disarmed and demilitarized successor to the KLA. The regulation expressly provides that the KPC “shall not have any role in law enforcement or the maintenance of law and order”.¹⁰⁶ By the time KPC was established, the process of disarmament was complete, and the KLA had handed over around 9,000 small arms, 800 machine guns, 300 anti-tank mines, 1,200 mines, 178 mortars, 27,000 hand grenades, 1,000 kg of explosives and over 5 million rounds of ammunition to KFOR.¹⁰⁷

The regulation 1999/8 defines the Kosovo Protection Corps’ tasks as including the following: “(a) Provide disaster response services; (b) Perform search and rescue; (c) Provide a capacity for humanitarian assistance in isolated areas; (d) Assist in demining; and (e) Contribute to rebuilding infrastructure and communities.”¹⁰⁸ In 2006, those tasks were expanded, after the promulgation of an amendment to the regulation No. 2006/3 to comprise the following: “(a) provide disaster response services; (b) perform search and rescue; (c) provide a capacity for humanitarian assistance in isolated areas; (d) assist in demining; (e) contribute to rebuilding infrastructure and reconstruction for communities, including monitoring unoccupied reconstructed homes of minority communities and other humanitarian tasks; and (f) perform ceremonial duties within its scope as a civilian emergency service agency, in accordance with directives of the KPC Coordinator and KFOR.”¹⁰⁹

In essence, the KPC was a civilian emergency organization, equipped and trained to carry out rapid response tasks for public safety in times of emergency and humanitarian assistance.¹¹⁰ Its mission was also set out in the Constitutional Framework for Provisional Self-Government in Kosovo, which came into effect in 2001.

KPC was a solution to a policy dilemma KFOR and UN negotiators faced when they wanted to respect their mandate to demilitarize Kosovo while the KLA leaders were determined to maintain some form of standing force. The KLA held the view that someday Kosovo would be independent and would need its own army, an ideal shared by most Kosovo Albanians.¹¹¹ In the eyes of the Albanian majority population, the KPC was always viewed as more than a civilian organization. If not

¹⁰⁶ UNMIK Regulation 1999/8

¹⁰⁷ Bekaj, A. 2010, p. 28

¹⁰⁸ UNMIK Regulation 1999/8

¹⁰⁹ UNMIK Regulation 2006/3

¹¹⁰ UNMIK. 10/12/2003. Standards for Kosovo, Number VIII

¹¹¹ O’Neill, W. 2002

an army as such, it was certainly considered to be an army in waiting, as well as the direct successor of the **KLA**.¹¹²

To secure the opportunity for the **KLA** combatants to return to civilian life, the International Organization for Migration (**IOM**) was charged with the responsibility of registering and integrating **KLA** combatants, as well as building capacities for the new **KPC** members in the area of civil protection.¹¹³ The training, organized by **IOM**, was geared to promote basic individual and organizational skills, personal responsibility and discipline. Specialized training on civil protection was also offered.

It should be noted that the structure and organization of the **KPC** remained to a large extent the same as that of the **KLA**. Most of the commanding officers were former **KLA** fighters. Out of 5,000 members, 3,000 were on active duty, and 2,000 were reserve members. However, unlike its predecessor, the **KPC**'s profile was designed to be multi-ethnic (in addition to being a non-religious and apolitical organization). Officially, **UNMIK** and **KFOR** officials pushed for the creation of an organization that would be representative of all ethnic groups living in Kosovo, but minority representation was minimal and virtually non-existent from the Serb minority community.¹¹⁴

In order to guarantee multiethnicity in the forces, ten percent of the 5000 membership slots were reserved for members of minority groups. However, the **KPC** suffered from underrepresentation of minorities regardless; some reports even mention **KPC** recruiters being assaulted because of their efforts to enlist minorities.¹¹⁵ Because **KPC** was generally considered as the successor of **KLA**, attempts to recruit Serb members in its ranks in the early phases weren't successful.

To address this issue, **UNMIK** considered forming a separate **KPC** Serb unit in early 2000, but the suggestion was quickly dropped as it would have posed a challenge to the **KPC**'s operational chain of command, and it was strongly opposed by the Albanians.¹¹⁶

Recruiting members from the minority communities remained an issue throughout the **KPC**'s mandate. **UNMIK**'s "Standards for Kosovo report" highlighted the importance of minority representation. **KPC** was to fulfill four major prerequisites, and according to the report; "1. The **KPC**

¹¹² O'Neill, W. 2002

¹¹³ International Crisis Group. 2006, p. 14

¹¹⁴ Pezi, L. Dugolli, I. 2006, p. 14

¹¹⁵ O'Neill, W. 2002, p. 177

¹¹⁶ Qehaja, quoted in Bekaj, A. 2010, p. 29

was expected to act in a transparent, disciplined and professional manner; 2. the KPC should be representative of all the people of Kosovo; 3. The KPC should be proactive in recruiting minority communities; and 4. The KPC was to be financed by the Kosovo budget in a transparent manner”.¹¹⁷

KPC's hierarchical structure was also problematic for the beginning, as there was disproportionately heavy representation in the upper levels. Many former combatants who had held senior positions with the KLA held similar or higher posts in the KPC. Bekaj suggests that the war legacy “counted for seniority with the KPC, which in turn could also have deflated the ambitions of its younger members, causing there to be little rotation within the KPC personnel.”¹¹⁸

The reason why NATO allowed this was probably because they somehow were hoping to keep the old KLA officer corps under control by creating KPC, and consequently smooth out and avoid any further confrontations between NATO and KLA by enabling them to influence their standing in the KPC. For KLA leaders, this presented a way to conserve their force structure, identity, and authority while still appearing as willing to cooperate with the international actors. Whether they shared the same end goals for KPC - which was to demilitarize KLA - is debatable.

The KPC's true intentions became apparent in the negotiations leading to its creation. There was much dispute over the name itself, which in Albanian has a distinctly military and national defense connotation. Efforts to change the name failed as General Ceku and his team refused to yield. Another sticking point was the use of military ranks in the KLA, with the KLA leaders insisting on titles like general and colonel, while UN and NATO wanted more civilian sounding ranks. KLA also demanded military-style uniforms.¹¹⁹

The gap between NATO's intentions and the KPC's attitude was revealed in General Ceku's speech on Sept 21 1999, marking the KLA's 'farewell' parade through Pristina “Today, we are ending the march of freedom but we are starting the march of the future for the independent Kosovo and its army.”¹²⁰ Ceku has later repeated this rhetoric in several occasions in connection with KPC's successor, Kosovo Security Force (KSF), which also is only perceived as the next stepping stone towards a national army.

¹¹⁷ UNMIK. 10/12/2003, p. 15

¹¹⁸ Bekaj, A. 2010, p. 30

¹¹⁹ O'Neill, W. 2002, p. 118

¹²⁰ *ibid*

KPC had all the trappings of an army or police force in waiting, and the dangers of the KLA ‘rolling over’ into both the KPC and the KPS were perceived as a real threat. Post-conflict peacekeeping missions have been pressed to enlist demobilized combatants who allegedly possess management and supervisory skills that are in desperately short supply among civilians.¹²¹

Since the KPC formally came into existence in January 2000, many in Kosovo, including Albanians worried that its present and possible future activities might violate the Regulation 1999/8. Some Albanians and many KFOR and CIVPOL officers believed that a major security issue is whether members who violate the law will be punished.

Some of KPC’s more questionable traits include arrests and detention, interrogations or ‘informative talks’, searches and seizures of property and persons, enforcement of illegal taxation schemes, evictions from property, and crowd control.¹²² This was sometimes overlooked by KFOR officials and UNMIK police who invited KPC to play this role, which is essentially a ‘maintaining law and order’ function prohibited by Regulation 1999/8. The ongoing shortage of UNMIK police created a ‘security gap’ quickly filled by KPC in some regions.¹²³

Illegal activities and human rights abuses by KPC have been reported since its inception. In the preliminary phase, starting in Sept 1999 when former KLA members began to apply for membership in the KPC, the Human Rights Unit of the SRSG’s office, OSCE, and the UNCHR investigated numerous and well-founded allegations of criminal activity by KPC applicants. KPC have also known to have threatened judges, especially when a former KLA member has been arrested. Judges would not reveal these threats out of fear and the knowledge that CIVPOL and KFOR could not protect them.¹²⁴

KPC’s behavior gradually improved when KFOR took more serious measures, with at least reported compliance violations dropping. But the overall problem of organized crime and the KPC’s links to violence remained. A confidential UN report prepared in late 2000 noted: “Many KPC members, in some case high-ranking KPC officials, have ties with criminal organizations”.¹²⁵

¹²¹ O’Neill, W. 2002, p. 118

¹²² International Crisis Group. 2000. Balkans Report N° 88, p. 5

¹²³ *ibid*, pp. 13-14

¹²⁴ O’Neill, W. 2002, p. 120

¹²⁵ *ibid*

Members of the Joint Task Force on Minorities regularly conveyed information and concern about KPC violations of Regulation 8 and its members' violent and criminal activities to KFOR representatives, but KFOR chose to downplay the gravity of the problem. Perhaps in order to demonstrate local involvement, KPC was treated as an independent actor in a way that for the KPS never was. Due to more oversight, KPS became far more trusted among Kosovo's population, including all ethnic groups, than the KPC.¹²⁶

The dissolution of KPC and the establishment of KSF

KPC's war legacy and its identification as a direct inheritor of the KLA suggested a reform in the eyes of the international community, as it was perceived as a potential threat to the internal stability. The Ahtisaari Plan and the Constitution of the Republic of Kosovo called for the dissolution of the KPC and the creation of a new professional and multi-ethnic Kosovo Security Force (KSF) from scratch. The KSF was to be lightly armed, and would not possess heavy weapons, such as tanks, heavy artillery or offensive air capability.¹²⁷

According to Article 5 of Annex VIII of the Ahtisaari Proposal: "Initially, the KSF shall be primarily responsible for crisis response, explosive ordinance disposal, and civil protection. In addition, the KSF will be designed and prepared to fulfil other security functions, not appropriate for the police or other law enforcement organizations."¹²⁸ Article 6 of the same document envisages the dissolution of the KPC: "The KPC shall be disbanded. The IMP, in consultation with the ICR and Kosovo, shall exercise executive oversight of the KPC, and shall decide on the timing of its disbandment. The disbandment is to be within one year of this Settlement coming into force. A Demobilization and Reintegration process is to be developed by the International Community for these KPC retirees."¹²⁹

For its part, the Constitution of the Republic of Kosovo states: "The Kosovo Protection Corps shall be dissolved within one year after entry into force of this constitution. Until such dissolution, the International Military Presence, in consultation with the International Civilian Representative and the Republic of Kosovo, shall exercise executive authority over the Kosovo Protection Corps and shall decide on the schedule of its dissolution."¹³⁰

¹²⁶ O'Neill, W. 2002, p. 122

¹²⁷ Comprehensive Proposal for the Kosovo Status Settlement, Article 5

¹²⁸ Comprehensive Proposal for the Kosovo Status Settlement (note 16), Annex VIII, Art. 5

¹²⁹ *ibid*, Art 6

¹³⁰ Constitution of the Republic of Kosovo, Article 154

On the establishment of the new force, it stipulates the following: “The Kosovo Security Force shall serve as a national security force for the Republic of Kosovo and may send its members abroad in full conformity with its international responsibilities [...] The Kosovo Security Force shall be professional, reflect ethnic diversity of the people of the Republic of Kosovo and shall be recruited from among the citizens of the Republic of Kosovo.”¹³¹

KPC’s deactivation began in January 2009 and came to a completion after the declaration of Kosovo’s independence. The KSF was formally created immediately after KPC’s mandate ended. The dignified dissolution of the KPC was essential for many Kosovar politicians and military personnel, especially war veterans, as it was vital that they were offered an acceptable scheme of early retirement or reintegration.

However, the government only approved the draft law on Kosovo Liberation Army war veterans in February 2014, after years of debating issues including the financial implications of the draft law, namely the costs of it. The “dignified” aspect of the dissolution was especially important in order to respect the symbolism of it; with the dissolution of the KPC the people would also witness the end of the KLA legacy.¹³² There was a major effort by the international community to facilitate the process in order to support the reintegration of the KPC members into civil society, instead of simply recruiting them to the KSF.

Whereas the KPC was a tightly controlled and purely civilian protection corps whose oversight was a reserved competence of the SRSG, the KSF was to be directly accountable to the Ministry of the Kosovo Security Force. The President of the Republic of Kosovo is the Supreme Commander of the KSF. This represented an integrated model of civilian control under civilian governmental and international control by KFOR and a new International Civilian Representative.

According to the Law on the Kosovo Security Force, as an all- volunteer force, it is designed to fulfil “security functions not appropriate for the police or other law enforcement organisations”¹³³. It was recommended to consist of an active component of a maximum of 2,500 personnel and a reserve component of a maximum of 800 personnel.¹³⁴ The KSF’s emergency response component consists of search and rescue, demining, hazardous materials, fire-fighting and other humanitarian assistance

¹³¹ Constitution of the Republic of Kosovo, Article 126

¹³² Bekaj, A. 2010, p. 36

¹³³ Law on the Kosovo Security Force, Article 9

¹³⁴ *ibid*, Article 14

capabilities. The President has the competence to authorise the deployment of the KSF to peace support operations abroad. The legislation also allows foresees a possible review of the amount of KSF personnel.¹³⁵

Article 10 of the Law on the Kosovo Security Force, which describes its missions and tasks, states: “The Kosovo Security Force shall be lightly armed and possess no heavy weapons, such as tanks, heavy artillery or offensive air capability. Any changes will be determined by the International Military Presence, in coordination with the International Civilian Representative. A full review of these limits to be conducted no earlier than 5 years from the date this Law enters into force. The initial tasks of the Kosovo Security Force shall be: a) to participate in crisis response operations, including peace support operations. This will include operations outside the territory of the Republic of Kosovo where invited to do so; b) to assist civil authorities in responding to natural and other disasters and emergencies, including as part of a regional or international response effort, c) to conduct explosive ordnance disposal, d) to assist civil authorities through civil protection operations”.¹³⁶

A relatively high percentage of the KSF consisted of former KPC members as they possessed most of the skills required for the new force. The amount of former KLA combatants, however, was significantly lower than in KPC (figure 2.0). The new force, although it was not called an army, was again seen by people as the next step towards it.

This army-in-waiting option was favoured by the former KLA/KPC leadership and tolerated by KFOR and UNMIK, and led to long-term civilian reintegration of a large amount of former KLA combatants. This outcome served the interests of international stakeholders as well as the Kosovars, and both sides have been able to compromise on this form of co-optation of security provisions in post-war Kosovo.¹³⁷

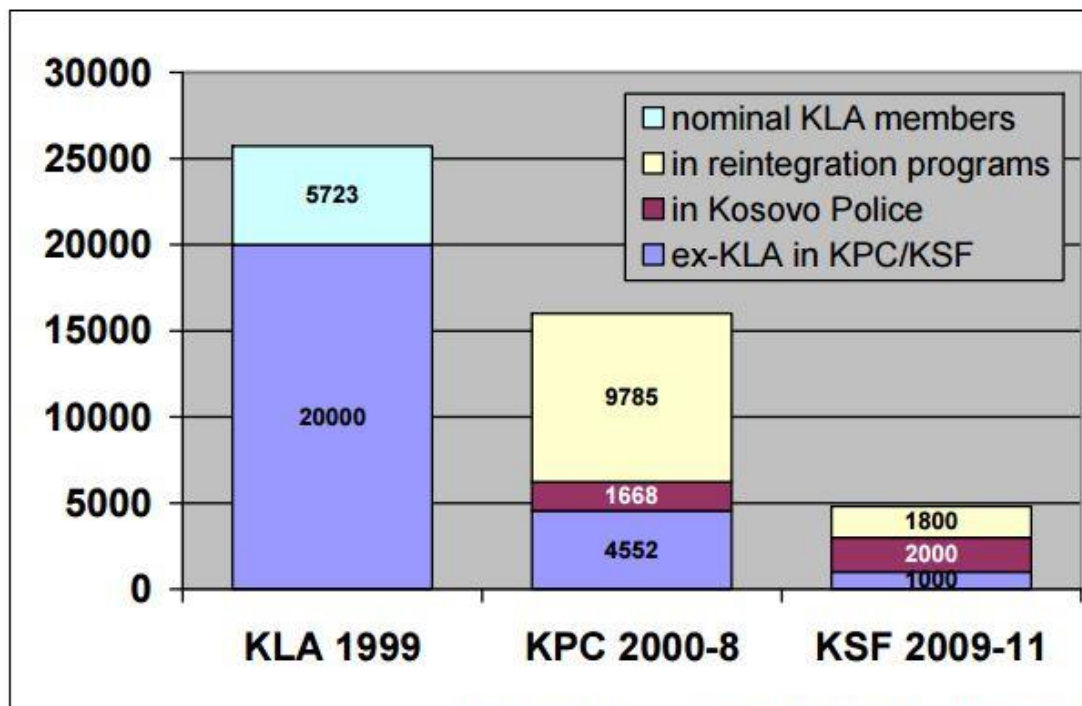
Roughly 20,000 of the registered KLA members could be regarded active members, and an additional 4,552, most of whom held a higher rank, were “demobilized” into the KPC. Approximately 1700 were absorbed by the KPS. KSF later employed some 1,000 KPC officers.¹³⁸

¹³⁵ Law on the Kosovo Security Force, Article 3

¹³⁶ *ibid*, Article 10

¹³⁷ Narten, J. 2009, p. 12

¹³⁸ *ibid*

Figure 2. KLA members in KPC and KSF 2000-2011¹³⁹

Adapted by J. Narten from IOM 2000/2002 and UNDP 2008

¹³⁹ Narten, J. 2009, p. 12

4 The initial handover of responsibilities 2005-2008

During the UNMIK era, the security sector in Kosovo grew to consist of international and local mechanisms that, arguably, did not take account of existing structures and capabilities to the extent that may have been necessary. The democratic oversight and control of armed forces was split between different actors, which meant that they weren't carried out in the most efficient manner. UNMIK Police and KFOR were accountable to their own political decision makers and the KPC and KPS, although they were local, remained under the executive competencies of the SRSG.¹⁴⁰

In December 2005, the SRSG Søren Jessen-Petersen signed three Regulations establishing the Ministry of Justice, the Ministry of Internal Affairs and the Kosovo Judicial Council as a part of the Kosovo Government. These institutions together with the regulation on the framework and guiding principles of the Kosovo Police Service marked the implementation of the first phase of UNMIK's transfer of competencies in the field of police and justice.¹⁴¹

The talks on Kosovo's future political status began by 2005 and the need for a review of the security mechanisms became increasingly more prevalent. In 2005 a comprehensive Internal Security Sector Review (ISSR) was put together by the Security Sector Development Advisory Team comprised of the UNDP, in cooperation with Kosovo Government, British Government and other stakeholders. The review covered areas from policing to civil emergency services and even healthcare and the economy, and to offered recommendations for the institutions concerned.¹⁴² The ISSR marked the first step towards the transfer of responsibilities in the security sector to the local institutions, and placed emphasis on strengthening the newly established ministries.

The President and Prime Minister were to have an executive say in Kosovo's security institutions, and the Assembly was to exercise its role by creating the relevant parliamentary committees for internal affairs and intelligence in order to ensure democratic oversight of Kosovo's security mechanisms.¹⁴³ The political developments that took place after the ISSR was concluded largely reflected the findings of the report.

¹⁴⁰ Bekaj, A. 2010, p. 33

¹⁴¹ Reliefweb, 20 Dec 2005

¹⁴² Saferworld, 2007

¹⁴³ Bekaj, A. 2010, p. 33

In 2005, the former Finnish President Martti Ahtisaari was appointed as the Special Envoy of the UN Secretary-General. Ahtisaari then took over the negotiations that were held in Vienna in several rounds during 2006 and 2007 between Pristina and Belgrade regarding Kosovo's future political status, although there was little progress at the time.¹⁴⁴

At the same time the Vetevendosje movement, who promote a revolutionary agenda based on self-determination, demonstrated and targeted attacks against Serbs and Orthodox monasteries and mobilized the Albanian discontent. UNMIK decided that the municipal elections to be held in the autumn would be postponed until after the Ahtisaari report. In September 2006, the Serbian government in Belgrade drafted a new Serbian constitution in which Serbia's sovereignty over Kosovo was highlighted. This was followed in late October by a referendum, also among Serbs in Kosovo, and the new Constitution was adopted in November 2006 by the Parliament in Belgrade.¹⁴⁵

Martti Ahtisaari decided to postpone his report until after the parliamentary elections would be held in Serbia in January 2007. At the same time the Albanian population and especially in the radical factions grew more and more frustrated. On the Albanian Flag Day November the 28th, Vetevendosje and KLA veterans organized demonstrations that led to attacks on UN headquarters in Pristina.¹⁴⁶ The UN police deployed tear gas to dissolve the demonstration, after which Vetevendosje now claimed openly that the UN administration was an occupation of Kosovo.

In September 2006, The National Assembly of Serbia made a proposal that granted total autonomy for Kosovo but with the international police controlling the borders. The only requirement was that Serbia's sovereignty would be respected and that Kosovo would formally remain part of Serbia.¹⁴⁷ This was rejected by the Albanians, whose claim for independence was based on national self-determination and the subjectivity of the "nation of Kosovo". This principle has been driven by the international community and constitutes the basis for state formation processes in the entire Europe after the First World War and to some extent outside of Europe after the Second World War with the colonial liberation.

Finally, in March 2007, Ahtisaari submitted his Comprehensive Proposal for the Kosovo Status Settlement to the UN Secretary-General, Ban Ki-Moon. His proposal recommended that Kosovo

¹⁴⁴ Bekaj, A. 2010, p. 33

¹⁴⁵ Jassens, J. 2015, pp. 217-218

¹⁴⁶ The Human Rights Advisory Panel, Case No. 04/07, p. 5

¹⁴⁷ Visoka, G.Beha, A. 2013, pp. 61-62

should be granted independence, with an interim period of supervision by the relevant international mechanisms. The UN Secretary-General gave his full endorsement to the Proposal before sending it to the UN Security Council for adoption. However, due to Serbia and Russia's opposition to Ahtisaari's recommendation the UN Security Council has not yet passed a resolution recognizing Kosovo's independence. Based on Ahtisaari's Proposal, Kosovo declared its independence on the 17th of February 2008. The Constitution of the Republic of Kosovo came into force on 15 June 2008. By now, Kosovo has been recognized as a sovereign state by over 100 states. In mid-2009, Kosovo also gained full membership in the World Bank and International Monetary Fund.¹⁴⁸

The issue of membership in other institutions, such as the Council of Europe, EU, OSCE or UN, is a political one, depending on the increase in the numbers of recognitions and the political good will to accept the new reality. However, the advisory opinion of the International Court of Justice pronounced on 22 July 2010 was clear the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law.¹⁴⁹

Within Kosovo, the consolidation of state structures and the application of the rule of law is also an ongoing process, fraught with many challenges. In addition to an economic situation that is in need of urgent resuscitation, the north of Kosovo with its Serb community continues to challenge Pristina's authority.¹⁵⁰

Kosovo's declaration of independence also meant that one of the most difficult issues in the contemporary international politics came back to the fore. The principles of the Ahtisaari Plan were incorporated into the constitution that entered into force in June 2008. Although the proclamation was expected, the recognition was difficult to manage because it divided the governments of the world into two camps: those who recognized or intend to recognize Kosovo as a sovereign state, and those who would not intend to do so.

This reason behind this division was not only about Kosovo and Serbia, or Serb-Albanian relations, but about the way it affected international law and world order. The problem with sovereignty must therefore be considered on two levels: Serb-Albanian relations and regional developments in the Balkans and international law and the international world order.

¹⁴⁸ World Bank: Kosovo Overview

¹⁴⁹ International Court of Justice. 22.7.2010

¹⁵⁰ Bekaj, A. 2010, pp. 33-34

A European state's boundaries haven't changed against its consent and with the support of military force since the World War II. It is a violation of international law, the Helsinki Declaration of 1975, and against a fundamental principle of the United Nations and in Serbia's case against the Resolution 1244.

This is why the question of Kosovo's independence is so controversial and the international community is so divided on the issue of recognizing Kosovo, and it tends to be treated as a precedent. Kosovo's example can send a signal to other minority groups seeking independence that international actors will side with the underdog in case the dispute evolves into a violent conflict. Also what the governments may take from this is that if they do not keep their minorities under control, any concessions in terms of self-government can lead to a full secession.¹⁵¹

The reason why the issue is creating tension in international politics and in the current situation within Kosovo is that fewer states recognize independent Kosovo than the former UN administration, which means that resolution remains in force, unrevised, due to a lack of consensus among the five permanent UNSC member states.¹⁵² Currently this means that Kosovo cannot become a member of the UN, because the membership is decided by the General Assembly on the recommendation of the Security Council. In the Security Council it would be blocked by Russia and China.

On the whole, the situation has remained stable, although the Mitrovica –question has created some instability in the region. In Kosovo the divided town of Mitrovica, where the Serbs live north and Albanians in the south, has become the epicenter of the conflict and it is not unlikely that this city, and the whole country as well, may be officially divided. The question is sensitive but it is difficult to see how the Serb minority could be integrated into the independent Kosovo. One solution might be that the Serbian population gradually moved to Serbia, although this might signal all Serbian communities that they are not welcome in Kosovo.

Serbia itself reinforces the question of the identity crisis as something that the entire Serb nation is experiencing, as the Serbian population is spread in several other countries in the region. There are different views on whether Serbia should orient itself east towards Russia or west towards the EU with the debate creating a division between two traditional orientations within the country.¹⁵³ The issue

¹⁵¹ Spiegel. 22.2.2008.

¹⁵² Kallaba, P. Ferati, V. 2012, p. 5

¹⁵³ Helsinki Committee for Human Rights in Serbia. No.93. April 2013

might potentially lead to a trauma within the Serbian nation and in the future could produce thoughts of revanchism among the Serbs.

The EU is also divided on the issue. Even though the EU is trying to avoid open disputes, it is clear that the issue of Kosovo's independence has to be interpreted as a defeat for the Union. It has also become clear that the EU has no instruments or policies for managing ethnic conflicts. The message that the EU has sent is that state failure is a reasonable way to resolve an ethnic conflict. Simultaneously, the EU has pleaded for multiculturalism in Europe but shied away from the problems that ethnic diversity can bring about. The promise of the EU integration has not been quite credible or attractive enough to provide an alternative to state failure.¹⁵⁴

Kosovo's independence strengthens the Albanian majority population's identity, as they have sought this since the early 1990's. Meanwhile, there are still extensive developmental, economic, social and political problems. For the Serbs, on the other hand, an independent Kosovo is unthinkable. It allows the divided Mitrovica continue to be important, because it provides a setting for a potential new conflict.

The European Union Rule of Law Mission – EULEX

The EU also had plans to take over the operations in Kosovo since it already administered Bosnia-Herzegovina. The European Security and Defense Policy (ESDP) Mission was established under the Ahtisaari Plan. The ESDP Mission was to mentor, monitor and advise Kosovo authorities in the area of rule of law generally, and had the executive and judicial functions in the judiciary, police, border control, customs and correctional services including the investigation, prosecution and adjudication of cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes.¹⁵⁵

The European Union Law of Mission, EULEX, was created in February 2008, but it became fully operational only on the 9th of December 2008. The EU Joint Action of February 2008 and the Council Decision of June 2010 and June 2012 provided the legal basis for the mission. The European Union Planning Team (EUPT) established prior to EULEX in 2006, and “provided technical advice

¹⁵⁴ Hughes, J. 2009, pp. 11-15

¹⁵⁵ Comprehensive Proposal for the Kosovo Status Settlement (note 16), Annex IX, Art. 2.3

for the EU in order to support and maintain dialogue with UNMIK in regard to its plans for downsizing and transfer of competences to local institutions.”¹⁵⁶

The Provisional Institutions of Self-Government (PISG) were operating under the legal authority of Resolution 1244 at the time, and therefore the Kosovo authorities did not formally consent to the EUPT deployment. EUPT was active in discussions between UNMIK and the Kosovo authorities concerning the transfer of responsibilities and amendments to existing legislation and changes to administrative structures, but in the absence of the Security Council endorsement, it became evident that the Ahtisaari plan would not be able to bring about a consensual solution to the Kosovo status as the US would strongly supported a unilateral declaration of Kosovo while five EU member states opposed to it.¹⁵⁷

As there was no new resolution to authorize EULEX as the successor of UNMIK, the EU council adopted the Joint Action to establish EULEX, by selective reference to Resolution 1244, only two weeks before Kosovo Assembly’s unilateral declaration of independence.¹⁵⁸ The Art. 23 (1) of the Treaty Establishing the European Union allows a member state to abstain in a vote but “—not be obliged to apply the decision, but shall accept that the decision commits the Union.” Therefore a unanimous majority among EU members was not a necessary condition for EULEX’s deployment, and as it was also to be staffed on voluntary basis, the adoption of the Joint Action establishing EULEX under Articles 14 and 25 of the Treaty Establishing the European Union was possible.¹⁵⁹

Although EULEX is a Rule of law mission, it undertakes many activities that could be characterized as SSR. This may be a reflection of the “internal politics of the EU in which several member states do not recognize Kosovo and object to the label SSR on the basis that it would entail a de facto recognition of Kosovo’s sovereignty.”¹⁶⁰

The mandate of EULEX was slightly more robust than in the provisions of the Ahtisaari Plan on the ESDP Rule of Law Mission. EULEX’s task was to: “monitor, mentor and advise the competent Kosovo institutions on all areas related to the wider rule of law (including a customs service), whilst retaining certain executive responsibilities; ensure the maintenance and promotion of the rule of law, public order and security including, as necessary, in consultation with the relevant international civilian authorities in Kosovo, through

¹⁵⁶ Muharremi, R., 2010, p. 365

¹⁵⁷ *ibid*, p. 366

¹⁵⁸ Sahin, S. 2015, p. 78

¹⁵⁹ Consolidated Version Of The Treaty On European Union, Article 31 (ex Article 23 TEU), Muharremi, R., 2010, p. 366

¹⁶⁰ Van Ween, E. & Derks, M. 2012, pp. 81-82

reversing or annulling operational decisions taken by the competent Kosovo authorities--.”¹⁶¹ This granted EULEX the more control over the local authorities, but also the responsibility of running the institutions.

Because EULEX was placed under the authority of UNMIK and the Resolution 1244, the new legal order established by the Republic of Kosovo founded on its Constitution and the Ahtisaari Plan was disregarded. However, the EULEX officials had to operate within the legal system of the Republic of Kosovo and to interact with officials of the Republic of Kosovo even though the Resolution 1244 didn't recognize them.¹⁶²

This de-facto cooperation allowed the Kosovo Serb leaders to argue that EULEX supported the interests of the Government of the Republic of Kosovo instead of committing to status neutrality and respect of Resolution 1244.¹⁶³ It became impossible for EULEX to accomplish its mandate under such circumstances, i.e. pretending to operate formally under the status-neutral framework of Resolution 1244 while at the same time co-operating de-facto in justice and other legal matters with the authorities of the Republic of Kosovo.¹⁶⁴

Instead of supporting the rule of law, EULEX's ambivalent approach lead to legal confusion and to expectations which were difficult to meet. In a fragile environment like Kosovo, this has worked against EULEX on several occasions. Its decision to conclude an agreement with the Serbian Ministry of Interior on police cooperation already sparked serious political and legal confrontations between EULEX and the Government of Kosovo, the latter insisting that the conclusion of such agreements with neighbouring states was within the exclusive jurisdiction of the Government of the Republic of Kosovo.¹⁶⁵

A split union that doesn't have the resources on their own - without the US - to monitor the two protectorates, could potentially have contributed to increased violence in both countries. An increase in volatility could be initiated in Kosovo by radical Albanian groups, who regard the international administration as an occupation and only want the military support - not international governance.

¹⁶¹ Council Joint Action 2008/124/CFSP, Article 3

¹⁶² Muharremi, R., 2010, p. 378

¹⁶³ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo of 30.9.2009, paragraph 11

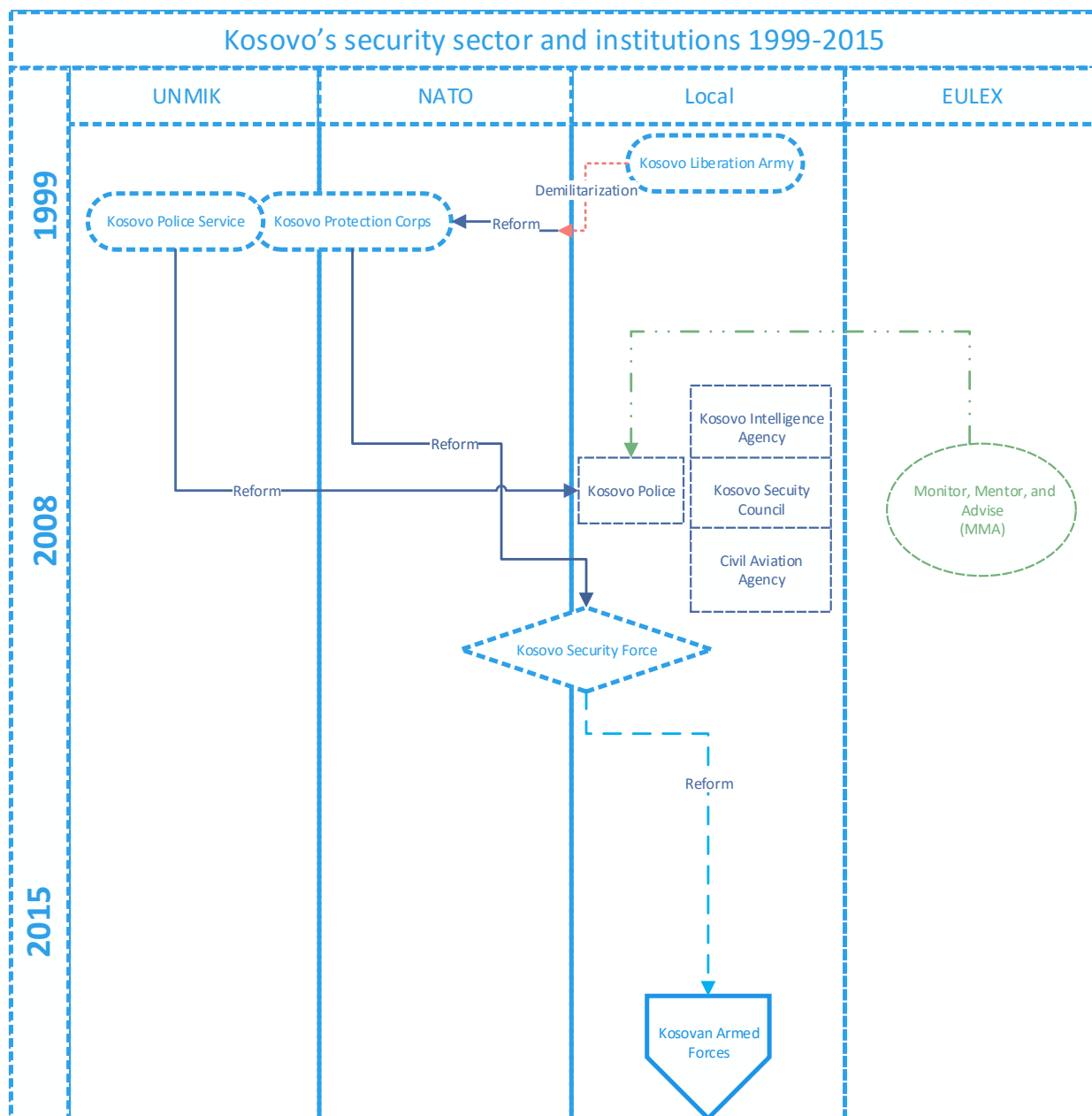
¹⁶⁴ Muharremi, R., 2010, p. 378

¹⁶⁵ Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo of 30.9.2009, paragraph 11

5 The Independence and the shutdown of international missions 2008-present

Figure 4. below illustrates this thesis' interpretation of the development and transformation of the major security institutions throughout the three phases. It emphasizes the 'dual conversion' process that Kosovo's post-conflict security sector has experienced; the initially intended demilitarized KLA was first transformed into a civilian disaster relief organization, and later back into a re-armed military security force.¹⁶⁶

Figure 4. Kosovo's Security Sector and Institutions 1999-2005



¹⁶⁶ Narten, J. 2009, p. 12

Pursuant to the Ahtisaari Plan, the International Civilian Representative for Kosovo (ICR) was appointed. The ICR also served as the European Union Special Representative (EUSR), reported to, and was under the auspices of the International Steering Group for Kosovo (ISG) - a group of states that recognized and supported the independence of Kosovo comprising 23 European Union countries, the United States, and Turkey.

The ISG supported the International Civilian Office (ICO) that was set up in Pristina to guide Kosovo's democratic development, good governance, multi-ethnicity and the rule of law; and to supervise the Government of Kosovo's implementation of the Ahtisaari Plan. After the successful implementation by the Government of Kosovo of the Comprehensive Proposal for the Kosovo Status Settlement, on 10 September 2012, upon the recommendations by the ICO, the International Steering Group for Kosovo formally ended its supervision of Kosovo's independence, and the Government of Kosovo became responsible for its own governance.

Despite some inter-ethnic frictions among the Kosovar Serbs and Albanians, the relations with Serbia have remained tense but mainly stable after the declaration of independence. Disagreements over Kosovo's status and Serbia's objections have often prevented Kosovo from joining regional cooperation initiatives. The ongoing challenge faced by the institutions of Kosovo is extending their authority in the northern part of the country, as the Kosovo Serbs' refuse to recognize the institutions that resulted from the Ahtisaari Plan. However, the recent agreements with Serbia on normalizing the relations and both countries' institutionalized paths towards EU integration have paved the way to easing the remaining disputes between the two countries and increased regional cooperation and participation in collective security mechanisms.¹⁶⁷

Kosovo's security sector is challenged by increased volatility in the socio-economic domain and asymmetric, non-conventional security risks and threats such as degradation of the living environment, technological developments and a complex political environment in the post-independence period.¹⁶⁸

Among the most obvious forms of external threat to the national security of Kosovo are international organized crime and illegal migration. Security sector related reports also mention international terrorism and the potential spread of weapons of mass destruction as potential risks.

¹⁶⁷ Muja, A. 2013, p. 8

¹⁶⁸ Muja, A. 2013, p. 8, Kosovo Security Barometer, 2013

Domestic challenges include unpredictable sources of threats emanating from the impact of economic crisis and low levels of socio-economic development, environmental challenges and threats stemming from globalization technological developments and the political developments in Western Balkans. Many of threats, risks and challenges that Kosovo faces are regional and transnational in nature, which suggests that international cooperation and participation in collective regional and international mechanisms is increasingly important.¹⁶⁹

5.1 Security Sector Review in Kosovo

In March 2012 a Strategic Security Sector Review (SSSR), a review of the state's security institutions, was initiated by the Government of the Republic of Kosovo. The objective was to conduct a comprehensive analysis of all the aspects of security in order to analyze current and future security challenges, define roles of existing institution in the security sector to avoid duplication and maximize institutional capabilities; and to identify capabilities required to provide for the safety and security of Kosovo's citizens. The SSR's main goal was to produce strategic level policy guidance and concrete recommendations for Kosovo's security sector.¹⁷⁰

In his study on six developing and transition countries, David Law finds that due to political underdevelopment prior to the conflict, individual security sector jurisdictions were already competing for the resources. In Kosovo this was reflected in the pre-war power struggle between the more extremist LPK/KLA -coalition and the more moderate LDK.

Several obstacles stand in the way of transferring responsibility to a local authority; In Kosovo, "the tense relationship between Serb and Albanian Kosovars, and the lack of clarity about the province's future status has meant that the security sector remains mainly in the hands of UNMIK and KFOR."¹⁷¹ The close involvement of the KLA in the conflict may undermine the accountability of Kosovo's security institutions, as many combatants suspected of war crimes have not been prosecuted. In this regard an SSR may even consolidate the power of these actors.

The international actors, however, often tend to support the former rebel groups' participation in politics, potentially because this may lead to the elimination of the factions that refuse to cooperate with them. Many secessionist movements' end goal is to establish an independent nation, and KLA

¹⁶⁹ Muja, A. 2015, p. 8

¹⁷⁰ Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, p. 4

¹⁷¹ *ibid*, p. 13

was willing to cooperate with the international actors in order to further this process. KLA agreed to i.e. power-sharing agreements, a DDR, amnesties and reduced sentences for crimes committed during the conflict.¹⁷²

The security sector review in Kosovo outlined the national security interests and objectives of the republic of Kosovo as independence, sovereignty and territorial integrity; constitutional order; sustainable economic development; life, welfare, property and safety of the citizens of Kosovo; and regional stability and membership in international organizations. They were categorized in the SSR in as the following:

1. Independence, sovereignty and territorial integrity 1.1. Conservation and protection of sovereignty and territorial integrity 1.2. The use of diplomatic means in the interest of protecting the sovereignty and integrity of the Republic of Kosovo 1.3. Capacity development of Security and Defense 1.4. Integrated management and control of the state borders 2. Constitutional order 2.1. Maintaining and strengthening the rule of law and order throughout the country 2.2. Respect for the human rights and freedoms according to the international standards and norms 2.3. Ensuring a unified and independent judicial system 3. Sustainable economic development 3.1. Policy development for a free market and stable economy 3.2. A favorable environment for foreign and domestic investment 3.3. Regional and international economic cooperation 4. Life, welfare, property and safety of the citizens of Kosovo 4.1. Protection of life and property 4.2. Increase social welfare for all citizens 4.3. Ensuring the overall safety of the citizens 5.1. Integration and cooperation with the European Union and Euro-Atlantic structures 5.2. Membership in international organizations 5.3. Active participation in Regional and International mechanisms 5.4. Promotion of Kosovo abroad.¹⁷³

The following sections will concentrate on these subjects under more general headings.

Political environment

Despite the consolidation of the security situation, Kosovo and the Balkan region will need initiatives that contain and prevent political tensions in the future. Serbia, along with a large number of states and other international actors, continues to challenge the legitimacy of Kosovo's declaration of independence. Although Belgrade has not interfered directly in the capacity building of Kosovo institutions, it continues to obstruct the strengthening and expansion of security sector in particular.

¹⁷² Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, p. 4

¹⁷³ *ibid*, pp. 14-15

Serbia continues to finance and operate parallel administrative and security institutions in Serb-dominated areas in Kosovo.¹⁷⁴

The international community has often acted as a mediator between the Serbian and Albanian population in order to prevent the tensions from out bursting into open hostilities. Although the Serbian residents in northern Kosovo have regularly opposed to the Kosovo Government's attempts to seal the northern border-crossing, political disputes have calmed recently with the mediation of international community.

The agreement on the normalization of relations that was signed in April 2013 under the auspices of the European Union stipulates the dismantling of Serbian structures in the north. In return, the Serb-inhabited municipalities will be given a greater degree of autonomy. The relations with Serbia remain tense but do not constitute a direct threat.

The integration of Western Balkans and Kosovo in the European political, economic and security institutions is essential in order to foster regional cooperation and lessen the potential for political instability. The European Union membership may be able to neutralize some the sources of political tensions between Serbia and Kosovo – however, it is not a likely event in the near future due to the objections from some member states that have not recognized Kosovo's independence.

Serbia's own EU-membership bid is also an important strategic factor in Kosovo's integration efforts. Strengthened EU -relations may contribute to the relaxation of Serbia's obstructions to Kosovo's incorporation in other regional political, economic and security mechanisms. As one demonstration of this, Serbia dropped its opposition to an international dialing code for Kosovo in September 2013.¹⁷⁵ The dialing code dispute has been a complicated and costly problem since the end of the war, and Serbia's concession marks an important milestone.

Apart from EU, NATO also plays an important part in securing political stability in the region. NATO has had an active role in Kosovo through KFOR in the post-conflict period, and Kosovo has benefited from the security contribution of the individual NATO members as well. As of yet, Kosovo has not entered into a formal cooperation with NATO, although KSF was awarded the declaration of full operational capability on 9 July 2013¹⁷⁶ which signals trust in Kosovo's local institutions. The

¹⁷⁴ Muja, A. 2013, p. 9

¹⁷⁵ Reuters. Sept 9, 2013

¹⁷⁶ Nato 9.7.2013

NATO member states have not been able to find common ground on how the declaration of independence will affect the future cooperation.¹⁷⁷

Socio-economic environment

Collier and Hoeffler have discovered that economic incentives are an important factor in civil wars. The availability of ‘lootable’ resources (diamonds and other precious stones, minerals, oil, timber, opium, etc.) and high unemployment, especially among youth, can make it cheap to raise an army, as simply promising them that they can keep what they can loot may be enough incentive for them to join military factions.”¹⁷⁸

A World Bank study points out that in many of the poorest countries in the world poverty is both the cause and the effect of conflict. The majority of the world’s 20 poorest countries have suffered a major war in the past 15 years.¹⁷⁹ Kosovo is one the poorest countries in Europe, and has one of the highest unemployment rates as well.¹⁸⁰ Economic security is considered as their biggest concern by many Kosovars. Even with rapid progress after the conflict, it can take decades to return to pre-war living conditions.

Furthermore, a UNDP human development report shows that countries at war tend to invest less in socio-economic needs and those with increased military expenditure often make large cuts on education and healthcare.¹⁸¹

Poor health conditions and infrastructure may also further exacerbate the risk of war. Nation’s childhood mortality exceeding 100 per 1000, suggests an increase in the probability of it becoming engaged in an armed conflict.¹⁸² Therefore investment in a universal healthcare with a unified accessible health system reduces the risk of conflict from a socio-economic point of view, as it signals justice and stability.¹⁸³

Apart from the other impacts of war, Kosovo’s socio-economic environment also initially suffered from the lack of foreign investment as it was difficult to attract foreign investment due to missing

¹⁷⁷ Muja, A. 2013, pp. 9-10

¹⁷⁸ *ibid*, p. 194

¹⁷⁹ Collier, P. et al. 2003

¹⁸⁰ UNDP: About Kosovo

¹⁸¹ UNDP, 2005

¹⁸² Hotez, 2001, quoted in Webel, C. & Galtung, J. 2007, p. 368

¹⁸³ Collier et al. 2003, p. 87

institutions and legislation, thus preventing economic recovery. Peace-building missions often overlook the need for economic assistance. Development aid donors tend to fund NGOs or public offices, which rarely create gainful employment opportunities, leaving small and mid-sized businesses that drive the economy, without assistance.¹⁸⁴ The government had to prioritize the development of new state institutions at the expense of others, which has led to underdevelopment in certain areas.¹⁸⁵

A cornerstone of the UNMIK-led economic reconstruction policy was privatization that was to create jobs and attract foreign investors. A special agency for privatization (KTA) administered all public owned businesses and reorganized and privatized them. A series of activities were privatized quickly, which led to legal problems. The Serbs (both the minority in Kosovo and the government in Belgrade) saw this as theft because some businesses were publicly owned and technically belonged to Serbia.

UNMIK first ignored all protests but finally the matter was taken to the international court and the privatization process halted. It resumed eventually after some modifications but has continued to be controversial. There have also been different views on the process within the EU and between the EU and the USA.

Although Kosovo's economy has been growing steadily in recent years, social pressure has become a major issue. Kosovo faces serious unemployment and poverty problems as poverty and youth unemployment rates are among the highest in Europe. The economic recovery has been slow, and the private sector has not been able to accommodate the demands for jobs while the economy and welfare still rely heavily on remittances and international aid.

The Strategic Security Sector Review provided a macroeconomic overview for 2014-2018, and the forecast is the following: "The economic structure (GDP components as % of overall GDP) is assumed to remain widely constant. Growth is expected to be driven by increased consumption, a higher relative contributor in real terms (after calculating the effects of inflation). It is anticipated that approximately 2 % of the average growth of GDP (4.8 %) in the period 2014-2018 will result from the real increase in exports and investments."¹⁸⁶

¹⁸⁴ Tamminen, T. 2014, p. 31

¹⁸⁵ Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, pp. 10-11

¹⁸⁶ *ibid*, p. 10

Kosovo's membership in the European Bank for Reconstruction and Development (EBRD) and cooperation with other financial institutions such as the International Monetary Fund and World Bank is expected to accelerate the reform process. The re-activation of privatized enterprises and the on-going increase in registration of agro-businesses may also contribute to an increase in private investments.

The recent economic crisis in Europe has affected all Western Balkans countries as growth rates nearly stalled, and the negative consequences of the crisis have also affected people incomes and welfare.¹⁸⁷ Decreased government spending on social security and the welfare state has caused life satisfaction levels to drop significantly as well as people's trust in institutions.¹⁸⁸ These consequences attest to the region's interconnectedness and the spillover effect of external risks which could challenge the stability. Kosovo Security Barometer survey found that Kosovars perceive the economic situation as the paramount challenge face Kosovo and its security.¹⁸⁹

Kosovo's economy can be said to consist primarily of assistance, remittances, a weak domestic economy that is dependent on the resource as well as the market made up of the extensive international presence and a widespread black market including criminal networks and syndicates. The Serb minority in Mitrovica have in turn received and depended on support from Serbia, through which their parallel structures have been developed.¹⁹⁰ The political and security processes are directly affected and shaped by socio-economic environment, consequently making it an essential element of security.

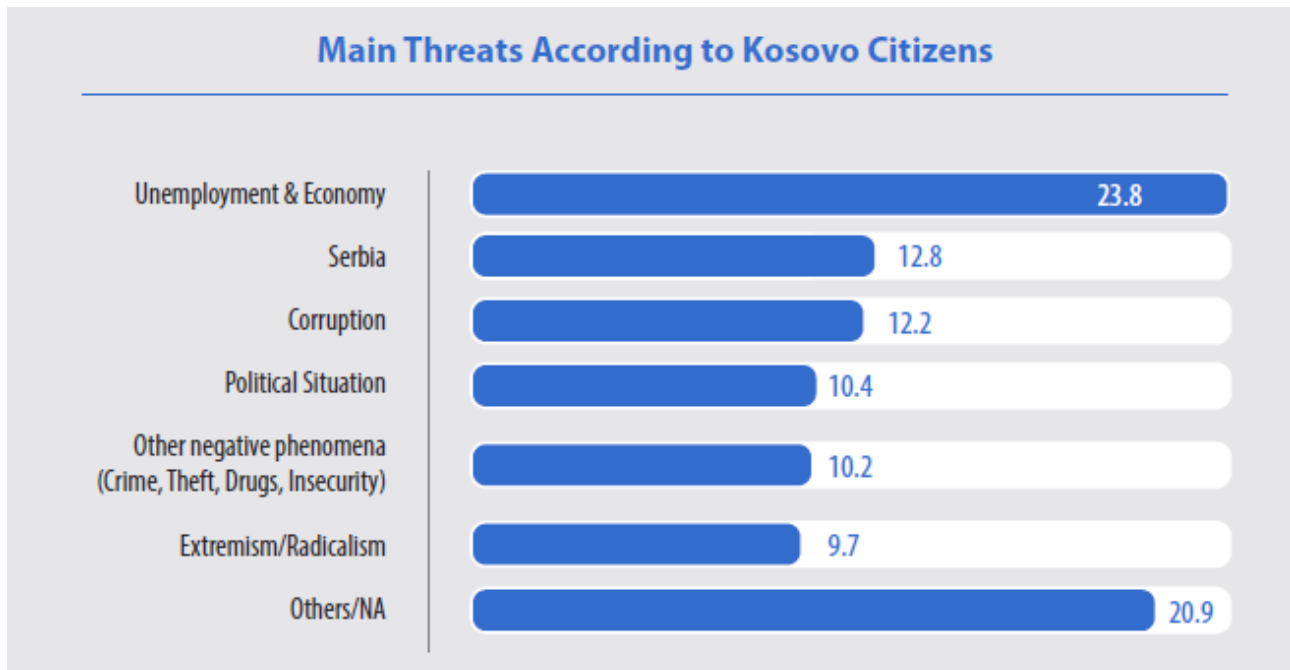
The 2014 Kosovo Security Barometer shows that unemployment and economy are perceived as the main threat by almost 25% of the respondents, compared to Serbia (13%) and corruption (12%) (figure 5.). This indicates that economic recovery is necessary in order to build and maintain the sense of social order and public security.

¹⁸⁷ Muja, A. 2013, p. 10

¹⁸⁸ *ibid*

¹⁸⁹ Kosovo Security Barometer 2014

¹⁹⁰ Chandler, D. & Sisk, T.D. 2013, p. 276

Figure 5. Main Threats According to Kosovo Citizens¹⁹¹

Kosovo's membership in the Central Europe Free Trade Agreement (CEFTA) and the prospect of further economic integration with Europe, is likely to have positive effects on its socio-economic development. Increased regional political and economic cooperation that potentially minimizes perceived regional political risks can also encourage foreign direct investment and capital exchange. However, the integration of Kosovo's economy in the global economy can also lead to increased volatility in the global markets. Kosovo needs to formulate a social security to provide a safety net and insurance to be able to react to economic re-adjustments in the future.¹⁹²

Kosovo's biggest challenges regarding security may be of political and socio-economic nature, but natural disasters such as flooding, avalanches, landslides and earthquakes are also a security environment concern that the SSSR addresses. Man-man hazards, including the pollution and the industrial and chemical waste that Trepca Complex and Obilic Power Plants produce also continue to be pose risks to the population and the environment. Due to the unpreparedness of the institutions

¹⁹¹ Kosovo Security Barometer 2014, p. 16

¹⁹² Muja, A. 2013, p. 10

responsible of disaster management, natural disasters as well as industrial accidents or human negligence risks can threaten the security of Kosovo's population.¹⁹³

Extremism

Over 95% of Kosovo's population identifies as Muslim¹⁹⁴, and like many other Islam countries expects an increase in the extremist movements from outside Kosovo. The SSSR does not limit the potential threat from these movements to radical Islamic ones, as they may have origins in many different cultures, ideologies and intentions. In order to improve its internal security environment, cooperating with neighboring countries to counter any form of extremism, be that political, religious or ethnic is essential for Kosovo.¹⁹⁵

In August 2014, Kosovo police arrested 40 ethnic Albanians suspected of fighting alongside Islamic extremists in Iraq and Syria.¹⁹⁶ This sparked much speculation especially among the international actors about the potential rise of radicalisation of Islam and terrorism in Kosovo. By arresting these suspects, Hashim Thaci may have just wanted to show the US in particular that Kosovo is doing their part in preventing further involvement with the Middle Eastern countries, but in reality the recruitment of potential Islam fighters is relatively marginal in Kosovo.

Despite this, the Kosovars regard Participation of Kosovo citizens in Syria and Iraq conflicts as a high-level risk according to the 2014 Kosovo Security Barometer (Figure 6.). However, addressing these concerns is necessary in order to create the feeling of more secure environment and foster trust in the local administration and government. Almost 60% of the population perceive the government very corrupted (Figure 7.), and making it more accountable to the general public may create trust through transparency.

Over 50% believe that Serbia poses a high level of external risk, which may play in favour of military investments and result in unnecessary securitization of issues that are not military in nature.

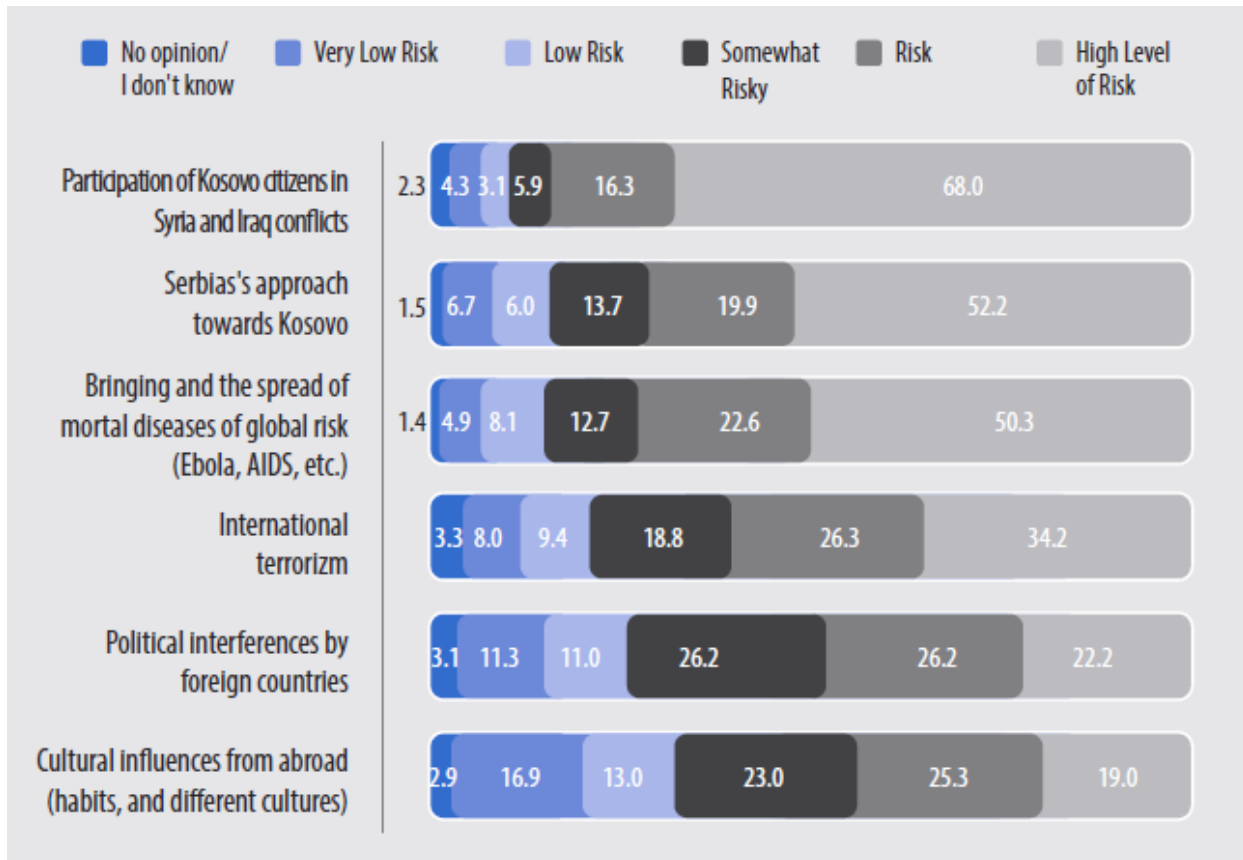
¹⁹³ Muja, A. 2013, p. 10

¹⁹⁴ CIA The World Factbook

¹⁹⁵ *ibid*, pp. 17-18

¹⁹⁶ Reuters. Aug 11, 2014

Figure 6. Greatest External threats towards national security of Kosovo¹⁹⁷



Proliferation of small arms and Unexploded Ordnance/Improvised Explosive Device UXO/IED

As a result of the incomplete turning in of weapons during the DDR –process, different sources and the Ministry of Internal Affairs have confirmed that there is still a large number of estimated that units of Small Arms and Light Weapons (SALW) in Kosovo, many of which are in the illegal possession of individual citizens and other groups. Preventing the proliferation of small arms strengthens the stability of the internal security environment, and Kosovo needs to develop and improve its capacities in arms control.¹⁹⁸

¹⁹⁷ Kosovo Security Barometer 2014, p. 19

¹⁹⁸ Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, p. 18

Landmines and different bombs - unexploded ordnances (UXOs) - were left behind in the latest war, and Kosovo has been affected by them also in the post-war period. According to ITF Enhancing Human Security, the mine and cluster problem in Kosovo territory is a result of the 1999 circumstances and consequent NATO bombing campaign. There are still multiple confirmed dangerous sites in Kosovo which will need to be demined. The demining operation was first conducted by The United Nations Coordination Centre (UNMACC) and later became a part of KSF's responsibilities. To guarantee a safe environment for the civilians, all UXO's need to be cleared from the Kosovo territory.¹⁹⁹

Organized crime

Organized crime has long been a significant problem in Kosovo. It is not limited only to the territory of Kosovo but rather it is a transnational problem. It threatens and impairs the rule of law and the economic development perspective in Kosovo. As the drug traffic through neighboring countries has decreased as a consequence of their EU membership, Kosovo has become the primary transit country for Afghan drugs destined for Europe.²⁰⁰

The majority of respondents to the 2014 Kosovo Security Barometer perceived organized crime as a high level of threat to state security. Kosovo's state institutions have had limited success in fighting organized crime, and due to the close cooperation of KLA and organized crime groups prior and during the war, some members of the current political regime may still have connections to organized crime networks.²⁰¹

Corruption

An EU report published in March 2015 describes corruption as an omnipresent phenomenon in the region and Kosovo's judiciary incapable of meeting the challenges of organised crime. The report also sharply criticizes EULEX, stating that "[EULEX's] credibility has been damaged to the point that its actions will henceforth often be tainted with suspicion and every decision to convict or not to convict will risk being criticized on the basis of corruption."²⁰²

¹⁹⁹ Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, p. 17

²⁰⁰ International Narcotics Control Strategy Report: Volume I: Drug and Chemical Control, 2010, p. 398

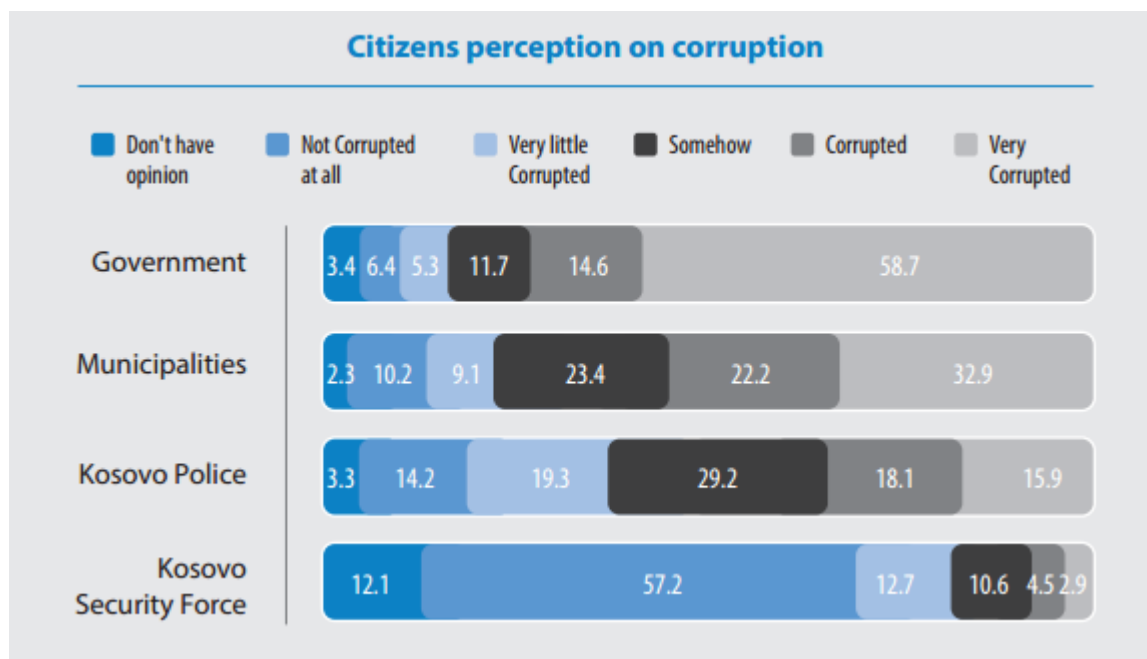
²⁰¹ Kosovo Security Barometer 2014, p. 18, Stojarová, V. 2007, p. 102

²⁰² Jacqué, J.P. 2015

Corruption critically undermines confidence in public institutions, and negatively impacts economic development and Euro-Atlantic integration, and Kosovars rank corruption the second most important problem facing them today after unemployment. According to an UNDOC report, an average of 12 per cent of voters at the penultimate general election in 2007 and another 10 per cent at the local election in 2009 were asked to vote for a certain candidate or political party in exchange for a concrete offer of money, goods or a favor, which reflects the level of corruption in particular in the public sector.²⁰³

The 2014 Security Barometer found that 73% of the respondents find the Government corrupt, with respect to municipalities the figure being 55%. As for the Kosovo Police, citizens' perception towards the Police is highly divided. Around 33.5 % of the respondents stated that the KP is not corrupt, while another 34 percent claimed that the KP is corrupt. The perception of the Kosovo citizens towards the KSF was highly positive. Around 69 percent of the respondents stated that the KSF is not a corrupt institution.²⁰⁴

Figure 7. Citizens' perception on corruption²⁰⁵



²⁰³ United Nations Office on Drugs and Crime. 2011

²⁰⁴ Kosovo Security Barometer 2014, p. 10

²⁰⁵ ibid

Cyber crime

Kosovo also has to commit to advancing the development of the information technology domain that was almost non-existent until the mid 90's. Individuals and states are increasing dependent on communication and information systems, which makes them vulnerable to cyber-attacks that can cause significant damage to national systems, networks or infrastructures of information, economy, banks, business, and air and land traffic. Cybercrime is acknowledged to be stimulated and induced by a political agenda or criminal activities, and consequently requires an action plan from the state.²⁰⁶

In August 2015 the Kosovo police arrested three people suspected of committing cyber-crimes, with the suspects being accused of "theft of personal and banking data and online sale of malicious software to infect computers."²⁰⁷ The OSCE Mission has trained Kosovo Police on cybercrime since 2009 and following its recommendations, the Kosovo Police established its cybercrime unit in 2011.

Multinational integration and cooperation

Both the government and political elites are strong supporters of EU integration as a national strategic goal. The vast majority of the population is supportive of the integration process.²⁰⁸ Kosovo has been offered the Visa Liberalisation Process by the European Commission in 2012 and it presents an important mechanism for dialogue on important security concerns. It also serves as an important catalyst for the Europeanization of the security practices.

However, the Government is still waiting for the green light from the Commission on the Mechanism for Stabilisation and Association – a process that should streamline the dialogue with the EU and make it more official. Kosovo's European integration perspective is an important development for regional cooperation and stability in Western Balkans. Overall, regional integration activities and the interest in membership in NATO and the EU have probably been one of the most important factors pushing change in the security sectors.²⁰⁹

NATO has actively participated in the establishment of the Kosovo security institutions in the post-conflict period, but despite the high level of NATO's direct involvement in Kosovo for more than a

²⁰⁶ Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, pp. 17-19

²⁰⁷ Reuters. Aug 4, 2015

²⁰⁸ Kosovo Security Barometer 2013, 2014

²⁰⁹ Law, D. 2006, p. 14

decade and despite the fact that all Kosovo's neighboring countries have already signed Partnership for Peace (PFP) programs with NATO, Kosovo is the only country outside of the accession talks²¹⁰ This is in part due to the incomplete capacity building, but the SSSR may constitute a step towards the accession negotiations.²¹¹

However, although the non-recognizing NATO members have been participating in the assistance and training of the Kosovo Security Force, Kosovo's membership would be challenged by internal opposition within the Alliance. As with most integration efforts, the majority of Kosovars consider NATO membership beneficial for Kosovo and are of the opinion that it along with EU integration solves their security dilemmas.²¹²

Kosovo's United Nations membership is also an unlikely event as two UN Security Council members oppose its independence and membership. UN membership would probably be the most security policy milestone for Kosovo as it would finalize the declaration of independence. Considering the difficulties in acquiring memberships in multilateral organizations, Kosovo's best bet is probably to seek active participation in regional Western Balkans and South-East Europe political and security initiatives.²¹³

Participation in international operations

Since its inception, KSF has actively expressed willingness to participate in international peacekeeping missions. The Constitution of the Republic of Kosovo states that the "Kosovo Security Force shall serve as a national security force for the Republic of Kosovo and may send its members abroad in full conformity with its international responsibilities."²¹⁴ The Law on Overseas Deployment of the Kosovo Security Force regulates the deployment, allowing the KSF to participate in peace support operations, humanitarian operations, training and exercises.²¹⁵

KSF's operational challenges and political complexities have hindered its participation in international missions. The issue of recognition prevents KSF from joining most missions as an individual contingent, but they may be able to avoid full resistance from non-recognizing countries by joining

²¹⁰ Muja, A. 2013, p. 13

²¹¹ Vrajolli, M. & Kallaba, P. 2012, p. 9

²¹² Muja, A. 2013, p. 13

²¹³ *ibid*, p. 14

²¹⁴ Constitution of the Republic of Kosovo, Article 126

²¹⁵ Law on Overseas Deployment of the Kosovo Security Force, Article 3

bigger contingents. Bilateral agreements with host countries, rather than multilateral agreements, are more likely to yield participation in international operations and trainings considering the existing political challenges.²¹⁶

Defense capabilities

The respect for the sovereignty and territorial integrity of a sovereign state is a principle that is enshrined in the Charter of the United Nations and other international instruments.²¹⁷ Therefore it also implies the right to defend the country in case of military attacks or any other external threats to the wellbeing of the state or its citizens.

In terms of recent mainly positive developments in the security climate in the Western Balkans, it may be difficult for Kosovo to justify the need for investments specifically targeted towards strengthening the capacity to respond to external military threats. However, a strong defense sector holds a symbolic value.

KFOR, whose mandate is derived from the UNSC Resolution 1244 as well as the Military-Technical Agreement, has been the only authority to exercise the right of territorial defense since the post-conflict period. The declaration of independence saw significant changes in the structure and performance of KFOR on the ground and the missions started to withdraw troops as the security situation improved. Kosovo police took over border control and customs responsibilities and KFOR presence was reduced mainly to the northern part of Kosovo.²¹⁸

Kosovar security institutions, KSF in particular, have not exercised any component falling within the scope of defending territorial integrity, as the existing legislation does not provide an explicit mandate for the KSF to perform such tasks. However, there are no legal provisions prohibiting it either.

The Article 125 of the Constitutional provisions states that "the Republic of Kosovo has authority over law enforcement, security, justice, public safety, intelligence, civil emergency response and boarder control within its territory"²¹⁹, which can be interpreted as the right to territorial defense. The provisions also recognize the authority of the President of Kosovo in declaring the state of emergency.

²¹⁶ Muja, A. 2013, p. 14

²¹⁷ Ker-Lindsay, J. 2013, p. 5

²¹⁸ Muja, A. 2013, pp. 14-15

²¹⁹ Constitution of the Republic of Kosovo, Article 125.1

The Law on KSF expressly provides that its tasks lie in disaster relief and civil protection, as increasing capacity in those segments was in the interest of the international actors. KSF is mandated to assist civil authorities in responding to natural and man-made hazards and emergencies, including participation as part of regional or international crisis response to conduct explosive ordinance disposal and to assist civil authorities through civil protection operations.²²⁰

²²⁰ Law on Kosovo Security Force, Article 10

6 Conclusion

All phases of security sector developments in Kosovo are largely characterized by a top-down approach, although SSR processes often call for a more holistic implementation. In Kosovo, however, the international actors have dictated policies while the local actors have had little say in the process. Furthermore, the nature and scope of the threats that Kosovo faced have not been given adequate consideration. The structure and institutional set-up of the security sector should be carefully implemented, taking into account the demands by the local communities as well as regional and international political concerns.²²¹ Top-down reform may change the formal structure, but has less impact on underlying incentives, power politics and culture.

What hindered UNMIK from the start was that its directive shifted with every UN representative who led the mission. Attempts to find a balance between Serbs and Albanians - and various factions within those groups - and international actors resulted in incoherent policies and the absence of actual targets or clear direction.

A difficult initial phase was followed by overly optimistic estimations about the stability of the situation in Kosovo. This in turn almost led to the collapse of UNMIK when a new wave of ethnic violence against Serbs occurred in March 2004. It became an endpoint of the previously conducted policies and a comprehensive revision of objectives occurred during and after 2005. The crisis in 2004 highlighted the widespread problems that the international actors were facing when in Kosovo and that the tension, caused by a dispute over authority, between the PISG and UNMIK had only increased.²²²

Until 2003 extensive rehabilitation and reconstruction effort in Kosovo led to visible results in the form of repaired roads, houses and other buildings, as well as revived agriculture.²²³ The presence of the international staff meant an economic upswing as there was now demand for interpreters and other local staff, and also created a market for example cafes, hotels and taxis. Activities previously done informally on a small scale also came to the surface and became legalized.

²²¹ Muja, A. 2013, p. 16

²²² *ibid*

²²³ Mustafa, I. Demukaj, V. and Kotorri, M. 2006, pp. 8-9

During the first years of the post-war period, extensive humanitarian assistance was provided to help the returning refugees, and focused on establishing peace and order and securing residents.²²⁴ This aid was gradually withdrawn although there was a clear need for systematic a longer-term development assistance. However, in the absence of the state and a legal framework comprehensive assistance programs were not implemented.

Instead, there were a number of individual projects in various sectors without any real long-term goals and the problem of Kosovo's status, even when it came to development assistance, became increasingly apparent. A significant problem was also that there were no population statistics about Kosovo, which meant that a census needed to be done in order to evaluate the amount of potential beneficiaries. The different ministries in the PISG engaged in politics on the basis of their various estimates of the population of Kosovo, which ranged from 1.7 to 2.4 million inhabitants.²²⁵

A significant portion of the initial assistance phased out by 2003, and led to an economic slowdown. The decline was gradual, but its effect became visible in 2003. The UN administration and much of the international community mistook the first years of economic boom as a general trend, which was not the case. The fundamental problems including ethnic relations, the status issue and the fragmented region's economic opportunities also were severely underestimated.

Albanians in turn were overly optimistic about the economic prospects of an independent Kosovo and generally had a naive view of the region's importance in the international economy. Kosovars also see their young unemployed population as a labour asset for Europe, but there is already plenty of work-related migration within the EU, and no guarantee that international investors would want to invest in Kosovo in particular.

Kosovo's status issue has blocked the possibility of major developments in the security sector and has also made development assistance difficult. This means that Kosovo from an aid perspective has been a rather unusual experience. The problem can be summarized as follows: without a defined status, it is impossible to draft a development aid strategy. There is no state or institutions for the international aid agencies to provide loans and credit-overdrafts for, and therefore no security for foreign investors. Without development aid strategy there are no programs that the donors could provide long-term finance for.

²²⁴ Mustafa, I. Demukaj, V. and Kotorri, M. 2006, pp. 8-9

²²⁵ Kosovo Agency of Statistics - Kosovo and Its Population. 2003

A key lesson from Kosovo is that it has become apparent that the international system is not equipped to deal with ethnic conflicts and, on a general level, ethnic relations and multiculturalism. The situation in Kosovo was regarded for a long time by the international community as a human rights issue; however, it was not possible to reduce the question to it because it mostly deals with two ethnic groups' claims on the same territory.

Kosovo represents a great example of a multi-ethnic nation where the representation of minorities and vulnerable groups is a necessary condition for sustainable peace. However, the representation on its own does not guarantee a truly multi-ethnic security and justice system that provides effective security and justice services to all citizens, regardless of their ethnic background and status.²²⁶

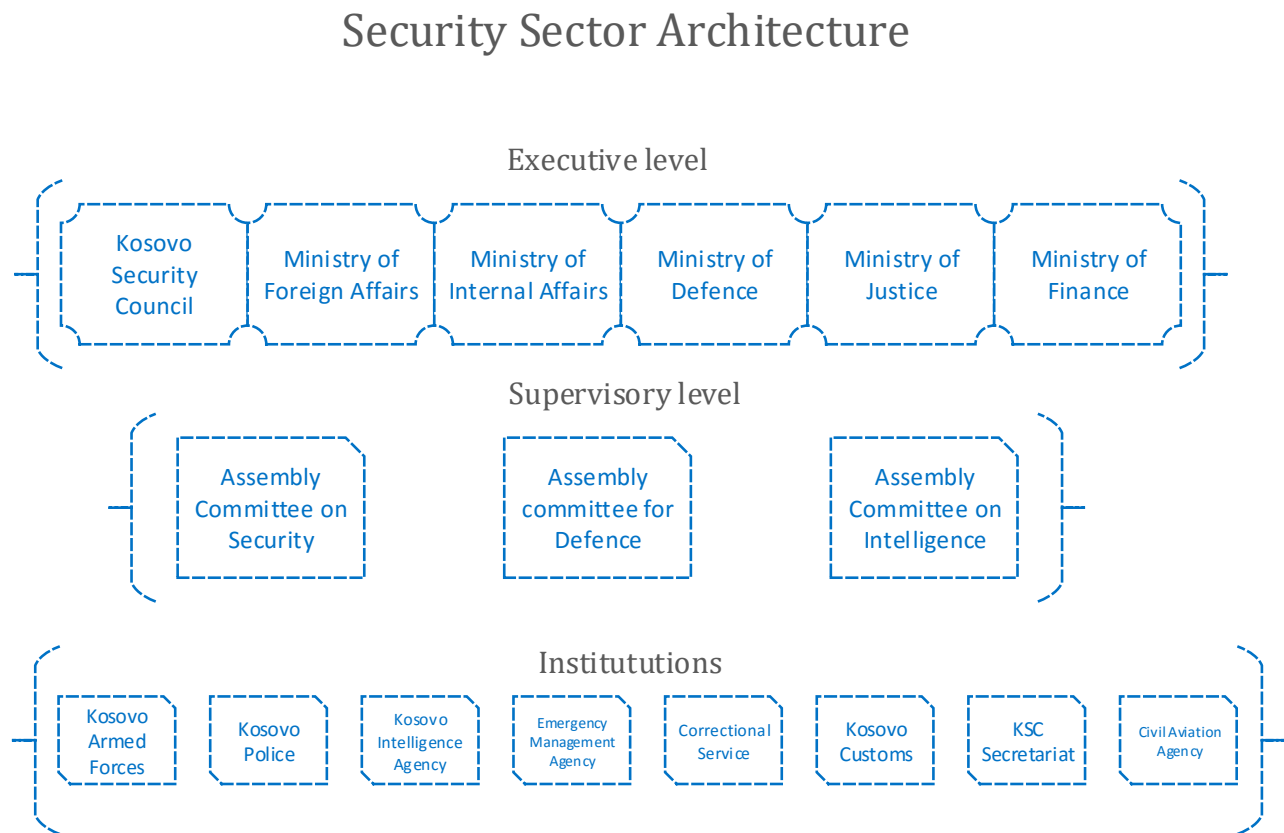
Political commitment from the international community is necessary in order to guarantee the continuity and cumulative progress of the missions. Trust between the civil society and the security sector grows from the legitimacy, discipline and accountability of the institutions and actors. The Security Sector Review process can consolidate the efforts through emphasizing the importance of service delivery to all citizens and facilitating trust building.

Institutions where multi-ethnic representation was successful, such as the Kosovo Police, were generally perceived as more legitimate than those where multi-ethnic representation failed, such as the KPC. Whether multi-ethnicity is a significant factor as a rule in determining the legitimacy of security and justice institutions, is still debatable. In Kosovo, however, it is of particular importance considering the ethnic backdrop of the conflict.

Where the international community has failed in establishing a functional security sector in Kosovo, the Security Sector Review has the potential to develop mechanisms and institutions to meet the society's justice and security needs and work on achieving durable solutions that are intrinsically linked. It can also ensure better coordination between humanitarian and SSR actors, in particular those working on the police and military, in order to better streamline the local and international efforts.

The Kosovo Security Sector Review provides a framework for a national security policy and suggests a structure that designed to meet the requirements of democratic security sector institution building in Kosovo.

²²⁶ Derks-Normandin, M. 2014, p. 22

Figure 8. Suggested security sector architecture²²⁷

In conclusion, the observations made suggest that the international community has failed in providing sufficient support for the local community to develop transferable skills in security management. On one hand the international community has managed to stabilize the situation quickly by taking over all institutions, but on the other, this has crippled the Kosovars as they are not prepared to run them on their own. The recent Security Sector Review paves out a way for a presentable transformation, but it is clear that the Kosovars are no longer willing to let the international community dictate how the security sector is structured, managed and resourced.

²²⁷ Adapted from Analysis of the Strategic Security Sector Review of the Republic of Kosovo. 2014, pp. 21-22

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